Chapter of the Junior Statesmen of America, Santa Maria, Calif., relative to lowering the eligibility age for Members of Congress; to the Committee on the Judiciary.

393. Also, petition of Henry Stoner, York, Pa., relative to citizenship qualifications of Members of Congress; to the Committee on the Judiciary.

394. Also, petition of Daniel J. Condon, Phoenix, Ariz., relative to redress of grievances; to the Committee on Ways and Means.

SENATE—*Monday, February 16, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, ancient of days, yet ever new; to whose mind the past and the future meet in the eternal now, we creatures of time and space, to whom the past is soon forgotten and from whom the future is veiled, pause once more for light upon our pilgrim way. Thou art infinite and we are finite. Yet Thou art nearer than we know or even dream, for Thy light has ever been upon the pathway of man, from womb to tomb, from the cradle to the grave.

God our Father give us strength for each hour, wisdom for the next step, faith to live 1 day at a time, endurance to persevere for the coming kingdom. Make us heirs of the spirit of Him who came not to be ministered unto but to minister. Keep this Nation Thou hast given us under Thy protection and this Senate under the guidance of Thy spirit.

Through Jesus Christ our Lord. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without amendment, on February 13, 1970, the bill (S. 3274) to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and submitted a report (No. 91–702) thereon, which bill was placed on the calendar and the report was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 10, 1970, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, without reservation, on February 13, 1970, Executive A, 91st Congress, first session, the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and the Paris Convention for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967, and submitted a report (No. 91–13) thereon, which convention was placed on the Executive Calendar, and the report was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 10, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on February 11, 1970, the President had approved and signed the act (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The activities of the National Science Foundation are essential in increasing the nation's fund of scientific knowledge, providing science training for our youth, and harnessing the forces of science for the good of our citizens. I am today submitting to the Congress the Nineteenth Annual Report of the Foundation, which tells of significant accomplishments in Fiscal Year 1969.

In that twelve-month period, the Foundation provided $225 million to support scientific research in every State of the Union; it invested more than $106 million to improve science education at every level from elementary school through the university; and it supported the improvement of our institutions of higher education through development-related grants totaling more than $50 million.

All of these investments will, I am confident, produce important benefits for our society. I am pleased to note that a number of such benefits were realized in Fiscal Year 1969 as a direct result of Foundation programs. As we go forward into the decade of the 70s, the role of science will surely become more and more important in the search for solutions to our problems and in the effort to enhance our environment.

RICHARD NIXON.

THE WHITE HOUSE, *February 16, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

DESIGNATION OF SENATOR BURDICK TO READ WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. On behalf of the Vice President, and pursuant to the order of the Senate of January 24, 1901, the Chair appoints the distinguished Senator from North Dakota (Mr. BURDICK) to read Washington's Farewell Address on February 23, 1970.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SIX CHILDREN, SAME FAMILY, ASSIGNED TO FIVE DIFFERENT SCHOOLS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the Senate is presently engaged in debate over the uniform application of Federal laws and court decrees relating to desegregation of public schools.

We have seen in the South, and in the South alone, students assigned to schools they do not want to attend and should not have to attend because of the great distance of the schools from their homes. We have had faculty members assigned to schools against their will on the basis of arbitrary ratios that, in some instances, have had to be met by establishing some sort of a lottery system.

All this is being done in accordance with the notion of some Federal bureaucrat or some Federal court that racial imbalance must be overcome at all costs. I submit that all this is being done in the name of a constitutional requirement that does not exist, and in the name of laws that do not exist. In fact, it is contrary to the law. Section IV of the Civil Rights Act of 1964, in two particular instances, section 401(b) and section 407(a)(2), specifically prohibits the assignment or transportation of students from one school to another to overcome racial imbalance.

Moreover, the Supreme Court decision of 1954 was eminently clear in its prohibition against the assignment to schools on the basis of race.

The Court said we had to be colorblind. Now, school systems in the South are told they must be color conscious. They are required to do exactly what the Supreme Court said they could not do 15 years ago—that is, assign students to certain schools because they happen to be white or they happen to be black.

Mr. President, I had a letter the other day from a mother in LaGrange, Ga., which I desire to bring to the attention of the Senate. Her case graphically illustrates the chaos and confusion that is being wrought in Georgia and throughout all the South. It is an outstanding example of how absurd the desegregation issue has become.

It also shows how schools are being made instruments of somebody's idea of social reform, at the expense of education. I present it to the Senate today as an appalling but true example of what many of us have been talking about in the Senate, not only in recent days, but for several years.

This LaGrange mother has six children. When school begins next fall, three of them will be in grammar school. Three of them will be in junior high school.

The grammar school closest to her home is seven-tenths of a mile away. In fact, the children can see that school from their front porch. The closest junior high school is 1.2 miles from home. These then are their neighborhood schools.

Under a plan for overcoming racial imbalance in the LaGrange school system, to be implemented in September 1970, in keeping with high and mighty orders from the Department of Health, Education, and Welfare, a most ridiculous situation will come to pass.

This lady's six children will be assigned to attend five different schools.

The grammar school assignments for the three younger children are as follows: A girl, age 7, will be sent to a school 2.7 miles away; a boy, age 9, will be sent to a school 1.2 miles away; and a boy, age 11, will be sent to a school seven-tenths of a mile away.

Thus, the three grammar school children, who ought to be attending the same school in their own neighborhood will be split up. The school they should go to is only seven-tenths of a mile away. Only the 11-year-old boy will be fortunate enough to attend that school. His brother and sister will be going to two other different schools.

The youngest girl, who is only 7 and who is accustomed to attending school with her older brothers, will be sent to a school almost 3 miles away.

The junior high school assignments for the other three children are as follows: A girl, age 13, will be sent to a school 1.3 miles away and two boys, ages 14 and 15, will be sent to a school 4.7 miles away.

Thus, only one of the three junior high school children will be going to their own neighborhood school. The other two will be sent almost 5 miles away.

This mother is not yet certain whether her children will be bused, whether she will have to send them to school by taxi cab, or whether she will have to drive all over the city herself. The city of LaGrange has neither school bus service nor a city transit system. Local school authorities are not certain whether school buses will be provided next September.

Thus, as if the situation were not bad enough, this mother is also confronted with the problem of how to get her children to school.

Under local cab rates, it would cost her $12 to $16 a week for her four children who will be assigned to schools away from their neighborhood. This lady works as a nurse in a doctor's officer. Her husband serves with the U.S. Air Force in Taiwan. Cab fares plus lunch money would take a sizable chunk out of her modest weekly salary.

If she elected to take the children to school herself in her automobile—which would interfere with her regular working hours, both morning and afternoon, she would have to log in a total of 22 miles a day.

I want to reiterate. This is no hypothetical case. This is an actual example of how plans are being made to dispatch six children from the same family to five different schools.

I ask, what in the name of commonsense does all this have to do with education or the constitutional prohibition, which we all understand, against segregation of the races?

LAOS—THE GROWING U.S. PARTICIPATION

Mr. SYMINGTON. Mr. President, the news media this morning announced that "400 U.S. planes yesterday attacked in Laos," emphasizing that the primary targets of these attacks were far away from the Ho Chi Minh Trail; and over recent days the news media have been carrying reports of U.S. fighter-bombers taking part in the fighting around the Plain of Jars.

I ask unanimous consent that an article entitled "U.S. Jets Join Laos Battle," written by George Esper and published in the New York Post on Saturday, February 14, 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. SYMINGTON. Mr. President, nearly a month ago, January 20 to be exact, the State Department spokesman, Mr. McCloskey, stated:

> There has been some increase in fighting (in Laos) and in the level of activity initiated by the North Vietnamese and Pathet Lao forces, particularly in the Plaine des Jarres area. But one could say generally in Laos. And we are concerned about it.

If we are to believe these stories, the secret war in Laos and our role in it are growing. But, in an issue that involves both the lives of our men and our treasure, should we be limited to spoon-fed unofficial reports?

Nearly 4 months ago, October 22, the Subcommittee on U.S. Security Agreements and Commitments Abroad finished its hearings on Laos; but the publication of these hearings has been held up in effort to obtain enough of this information released to the public so to make said release a meaningful report of our diplomatic, military, and economic activities with respect to that country; and on Wednesday of this week, in a meeting with State Department officials, we will make another effort to that end.

Only with that information can the public discuss, judge, and then support administration policy.

To continue to veil American activities in Laos behind an official cloak of secrecy, while permitting unofficial leaks to

the news media, can only lead to problems comparable to those which developed during the past administration.

President Nixon focused with perception on that problem last November when he told a nationwide audience:

I believe that one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

EXHIBIT A

U.S. JETS JOIN LAOS BATTLE

(By George Esper)

SAIGON.—Scores of American fighter-bombers are flying direct combat support for Laotian government troops under attack by North Vietnamese forces around the Plain of Jars, informed sources in Saigon said today.

They said the missions originate from half a dozen bases in Thailand, and implied that some may be using the Da Nang Air Base in South Vietnam and U.S. Seventh Fleet carriers in the Tonkin Gulf.

The stepped-up air effort in support of Laotian ground troops will not detract from the 300 to 400 sorties a day being flown against the Ho Chi Minh trail, the sources said. Bombing sorties are being flown around the clock to meet the requirements of both missions.

Although President Nixon said last fall that American bombers are attempting to "interdict" the movement of North Vietnamese troops and supplies down the Ho Chi Minh trail, the U.S. has never publicly admitted that its planes fly direct combat support for Laotian forces.

Sources said North Vietnamese troops had captured at least eight outposts around the junction of Route 7 and Route 71 near Nong Pet at the northeastern edge of the Plain of Jars.

"These are strong points on the hills that overlook the roads," said one source. "They are the controlling elements for getting onto the plain by road. The North Vietnamese have captured most of them, but they still do not have unrestricted access."

Most of the American bombing raids were concentrated near the junction of highways 7 and 71, the two major North Vietnamese infiltration routes.

Sources said North Vietnamese had suffered "heavy casualties, including 76 troops killed in one battle." These sources, sympathetic to the Laotian government, described the losses of Lao government forces as "light."

"There is no single action I know of where there has been a significant number of Laotian casualties," said one source.

Most of the outposts overrun by the North Vietnamese were manned by squad and platoon-sized Laotian government units.

OFFENSIVE LAUNCHED

The U.S. Embassy in Laos reported that the long-expected North Vietnamese offensive in the Plain of Jars area had begun.

"I think the enemy will put on more pressure," said one source. "This looks like a three-month operation."

The source indicated that government forces would not attempt to hold the Plain of Jars, but would fight delaying actions and try to inflict heavy casualties on the North Vietnamese.

THE NUCLEAR VEIL AND THE RIGHT OF THE SENATE TO KNOW

Mr. SYMINGTON. Mr. President, recently I received some extraordinarily disturbing information, which to the best of my knowledge, was not known to any Member of the Senate; and which could have major impact, not only on our future relationship with various countries—including the other superpower—but also on our national security.

I thereupon asked the able counsel of the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad, Mr. Roland Paul, to examine in depth, the extent of any knowledge on the part of the Senate Foreign Relations Committee as to where, and on what terms, various nuclear agreements with various countries were known to the Senate Foreign Relations Committee.

After a thorough investigation on his part, Mr. Paul wrote me re same; and I ask unanimous consent that his letter to me be inserted at the end of these remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. SYMINGTON. Mr. President, upon receipt of this letter I wrote Chairman FULBRIGHT in part as follows:

The attached letter from the Counsel of the Commitments Subcommittee re the rights of the Foreign Relations Committee with respect to information incident to the deployment of nuclear weapons in foreign countries, as well as other information in this field, speaks for itself.

It is my considered opinion that the veil of secrecy drawn over the nuclear picture since its inception—probably unnecessary since the Smythe Report of the late 1940s and certainly unnecessary now—is one of the primary reasons why we have over the past 20 years expended so much unnecessary money in various military and diplomatic activities.

As is the case with certain other problems which have emerged in recent months, again it would seem to come down to what the Senate Foreign Relations Committee has the right to know about our foreign relations, and the commitments incident thereto; and also, after proper sanitization for security, what the people have the right to know.

A thought-provoking editorial on this subject from the St. Louis Post Dispatch of last Saturday, February 14, reads in part as follows:

It is quite possible that . . . we have undertaken heavy commitments in order to base nuclear weapons abroad. If so, the Senate Foreign Relations Committee is entitled to know what they are.

I ask unanimous consent that this editorial, "Piercing the Nuclear Veil," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PIERCING THE NUCLEAR VEIL

In the interest of broader Senate awareness of what our military leaders are doing and why, we hope the Foreign Relations Committee will press its inquiry into overseas deployment of nuclear weapons and the agreements under which they have been deployed.

Senator Symington, whose subcommittee is doing such valuable work in surveying U.S. security agreements and foreign commitments, has posed a series of questions about nuclear weapons which the Executive branch is sure to resist answering if it can. An attorney for his subcommittee has concluded that the questions are constitutionally proper and should be answered. The committee ought to force a showdown to see that they are.

Is there any good reason why Senators charged with responsibility in foreign policy should not know in what countries the U.S. has deployed nuclear weapons? And why it is considered necessary to deploy them there? And what agreements or commitments we have made in order to get them so deployed? And what security arrangements for the weapons are in effect?

These are the questions Senator Symington proposes to ask, and we think they deserve answers. His subcommittee contributed much to an understanding of our foreign policy by discovering how our leaders had persuaded the Philippines and Korea to make token contributions to the war in Vietnam. It is quite possible that * * * we have undertaken heavy commitments in order to base nuclear weapons abroad. If so, the Senate Foreign Relations Committee is entitled to know what they are.

We cannot imagine that the Soviets or even the Chinese are ignorant of these matters. Undoubtedly they have every nuclear missile pinpointed and know all about every agreement connected with them. Secrecy is not necessary for security; it serves only to conceal from the American people and their Senators the full knowledge about our foreign commitments they ought to have.

EXHIBIT A

U.S. SENATE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., January 23, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked me, as Counsel to the Subcommittee on United States Security Agreements and Commitments Abroad of the Senate Committee on Foreign Relations, to give the Subcommittee my opinion whether the Executive Branch is legally obligated to answer the following questions posed by the Subcommittee with respect to the deployment by the United States of nuclear weapons abroad:

1. In what countries has the United States deployed nuclear weapons abroad?

2. In each case why is it considered necessary to have these nuclear weapons deployed in the respective countries in question?

3. What agreements or understandings, written or oral, have been entered into with the countries where these weapons are or have been deployed?

4. What are the arrangements that exist for maintaining the security of these weapons?

I am of the opinion that basic Constitutional principles require the Executive Branch to answer such questions.

This issue goes to the fundamental relationship between the Legislative and Executive Branches. Congress, through its committees, has the Constitutional authority to investigate any matter within its legislative competence.[1] The concepts of both Separation of Powers and Checks and Balances are implicit in the Constitution. This means that, unlike in the British system, the continuation of the Executive Branch as an effective separate organ of our Government is Constitutionally protected, but its functions are only those explicitly or implicitly entrusted to it by the Constitution,[2] and the exercise of its powers are necessarily limited by the legislative, treaty and appropriation powers of the Congress.[3] It should be self-evident that prompt, full and forthright disclosure to the Congress, through the proper committees, must be presumed under these Constitutional prin-

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Footnotes at end of article.

ciples, especially where the information sought, relating as it does to agreements and understandings with foreign countries, is clearly of the sort which the Executive Branch has a basic obligation to reveal to the Senate Committee on Foreign Relations.[4]

It is not discretionary with the Executive Branch to determine what will be given to the Congress and what will not; otherwise the Congress would be at the mercy of the Executive Branch, which was not intended by the framers of the Constitution.[5] This point is supported by holdings of the Supreme Court refusing to recognize such a discretion on the part of the Executive Branch to withhold information from the courts.[6]

Although not themselves constituting what the law is, the cases in American history in which the Executive Branch has refused information to the Congress and explained in detail its reasons for doing so give some indication of the types of situations in which the foregoing principles have been applied. Whether these principles were correctly applied in such instances or not, this request for information by your Subcommittee is not such as to raise the issues which entitled the Executive Branch, in its view, to withhold information in those earlier cases. The historical cases usually cited in a discussion of executive privilege have been (a) when such disclosure was to be made in public session and such public disclosure would endanger military security or the operation of foreign policy,[7] (b) when the information sought might incriminate individuals without due process of law,[8] (c) when the matter involved was thought to be beyond a proper legislative purpose,[9] (d) when such disclosure would disrupt the integrity of the functioning of the Executive Branch,[10] and (e) when the information was originally received by the Executive Branch on the understanding it would be kept within the Executive Branch.[11]

In the well-known case of *United States* v. *Curtiss-Wright Export Corporation* the Court quoted President Washington, in the first instance of a Presidential exercise of executive privilege in the field of foreign affairs—his refusal to provide the House of Representatives with the negotiating documents in connection with the Jay Treaty—as stating:

"The necessity of such caution and secrecy [in the field of foreign negotiations] was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members." [12]

Thus the need-for-secrecy argument, usually assumed to be the primary basis for most claims of executive privilege in the matters involving foreign affairs, is inconsistent with this Constitutional interpretation given by the first Chief Executive. Washington was evidently of the view that the Constitution intended the Senate to be included within, not excluded from, the circle of secrecy surrounding foreign affairs.

Inasmuch as the information sought by your Subcommittee is to be received in executive session, and assuming reasonable safeguards are taken to protect the security of the information revealed, I see no basis for concluding that the Constitutional principle of Separation of Powers, upon which any claim of executive privilege must rest, would be jeopardized by the disclosure of such information to the Subcommittee. None of the questions go to the internal workings of the Executive Branch nor even to negotiations with foreign powers now in progress. The security of the information is protected by its reception in executive session with all reasonable safeguards.[13] The incrimination of individuals is not involved as might be the case where FBI files or Loyalty Review Board files were sought. Consummated intergovernmental agreements on important matters are not the type of understanding which the Executive Branch is entitled to enter into on a promise not to reveal them to the Senate.

The subject matter of the question is well within the competence of the Congress under its law-making, treaty-approving, war-declaring and appropriation powers. Central among the questions on which your Subcommittee is anxious to have information is the matter of agreements reached with foreign governments. This area is one in which the Constitution gives the Senate a definite role. Even if the agreement is not submitted as a treaty, the Senate is entitled to knowledge of it to protect its rights in the treaty making and agreement making process.[14]

Relevant, although not conclusive, is the Atomic Energy Act of 1946, as amended. That statute and its legislative history reflect a Congressional intention for full Congressional coordination in the vital field of atomic energy. For instance, Section 202 provides as follows:

"The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy." [15]

Although the right of the Executive to withhold information is Constitutional in nature rather than statutory, where there is a statute requiring such information, the case is even clearer for disclosure.[16] First, the statute, if signed by the President, reflects Executive acquiescence in the right of Congress to the information.[17] Second, the President's Constitutional prerogatives are based upon his Constitutional obligations, including the obligation faithfully to execute the laws [18] and, when disclosure is prescribed by law, that becomes one of the statutes he is required to carry out.[19] Thus, there can be little doubt but that the Joint Committee on Atomic Energy is entitled to the information sought.

With respect to the right of the subcommittee of the Committee on Foreign Relations to receive such information, I have concluded that such a committee is entitled to the information on the basis of fundamental Constitutional principles. The Atomic Energy Act further strengthens that conclusion in evidencing Congressional intention, and Presidential acceptance by signing the Act, of full Congressional coordination in the field of atomic energy.

Section 202 of the Act states:

"All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee." [20]

There is nothing in the legislative history of the Act, however, indicating a Congressional intention to restrict inquiries by the other proper Committees of the Congress into matters involving atomic energy which were within their sphere of responsibility, and there have been frequent inquiries by other committees thereafter into matters which relate to atomic energy. The Armed Services Committee received testimony this year identifying the location of certain nuclear weapons in connection with the authorization of related construction funding; therefore the Administration has already revealed a portion of the information you are seeking to another Committee other than the Joint Committee on Atomic Energy. In 1963 the Committee on Foreign Relations conducted the hearings on the Limited Nuclear Test Ban Treaty inasmuch as it was a treaty that was involved. That same year the Preparedness Investigating Subcommittee of the Armed Services Committee held hearings on the Military Aspects and Implications of Nuclear Test Ban Proposals and Related Matters. In 1969 the Foreign Relations Subcommittee on International Organization and Disarmament Affairs conducted a series of hearings on the Strategic and Foreign Policy Implications of ABM Systems.

The questions which your Subcommittee proposes to raise with respect to the deployment of nuclear weapons abroad relate to understandings reached with, and commitments made to, foreign countries, the prospects for inadvertent or intentional warfare, and the fulfillment of treaty commitments, and could possibly lead to legislation governing the arrangements and conditions under which such weapons are retained abroad. Therefore, the questions are well within the purview of a subcommittee of the Foreign Relations Committee.[21]

Sincerely,

ROLAND A. PAUL,
Counsel, Subcommittee on U.S. Security Agreements and Commitments Abroad.

FOOTNOTES

[1] *McGrain v. Daughtery*, 273 U.S. 135, 174 (1927); see Berger, "Executive Privilege v. Congressional Inquiry" 12 U.C.L.A. L., Rev. 1044, 1095 (1965) (quoting President Jackson).

[2] These include powers of the President in the field of foreign affairs stemming directly from the inherent sovereignty of our Government. See *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

[3] See *e.g.*, Public Papers of the Presidents of the United States, Dwight D. Eisenhower, 1958, 601; Kramer and Marcuse, "Executive Privilege—A Study of the Period 1953–1960" 29 Geo. Wash. L. Rev. Pt. II 827, 899 (1961).

[4] See Hurst, Justice Holmes on Legal History, 98–99 (1964); Berger *supra* note 1 at 1312 (quoting Hand, J.); Hearings Before a Subcommittee of the House Committee on Government Operations on Availability of Information From Federal Departments and Agencies, 84th Cong., 2d sess., Pt. 3 at 461, 465 (1956) (statement of Prof. Schwartz).

[5] See Corwin, the President: Office and Powers 1787–1957 at 116–18 (1957); Younger, "Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers," 20 U. Pitt. L. Rev. 755, 775, 780 (1959); Berger, *supra* note 1 at 1044, 1052, 1088, 1099, 1312 (quoting Holmes, J. and Hand, J.).

In memoranda transmitted by the Attorney General to the Subcommittee on Constitutional Rights of the Committee on the Judiciary in 1957 and 1958, the Justice Department maintained that the Executive Branch had it within its own discretion to determine what information and documents may be provided to Congressional committees, basing this contention on instances in our history in which the President has successfully refused to divulge information to the Congress. These instances only evidence the practicalities of the respective situations which allowed the Executive Branch, being the party in possession of the information, to avoid revealing the relevant information. They in no way constitute binding precedents. See Schwartz, "A Reply to Mr. Rogers: The Papers of the Executive Branch," 45 A.B.A.J. 467 (1959); *cf.* Bishop, "The Executive's Right of Privacy: An Unresolved Constitutional Question," 66 Yale L. J. 477, 485 (1957). Other situations can be cited, including the recent disclosure to the Senate Committee on Foreign Relations of the United States contingency plan with Thailand, as instances in which the Executive Branch, although initially reluctant to provide information demanded by a Congressional committee, did so thereafter. See also note 11 infra, para. 4. The above-mentioned memoranda from the Attorney General are published in Subcommittee on Constitutional Rights, Committee on the Judiciary, "The

Power of the President to Withhold Information from the Congress: Memorandums of the Attorney General," Committee Print, 85th Cong., 2d sess. (1958). They are hereinafter respectively cited as 1957 and 1958 Attorney General's Memorandum.

[6] *United States* v. *Reynolds*, 345 U.S. 1 (1953); 1 Robertson, Trial of Aaron Burr, 177, 180, 185–86 (1875); see Bishop, *supra* note 5 at 481–83 (1957).

[7] *E.g.*, President Tyler's refusal in 1843 to reveal to the House of Representatives certain proposals in connection with pending negotiations with the Cherokee Indians, see 1957 Attorney General's Memorandum at 9; President Hoover's refusal in 1930 to give the Senate certain documents in connection with the negotiation of the London Naval Treaty, see 1957 Attorney General's Memorandum at 20–21.

[8] President Jefferson's refusal in 1807 to furnish certain documents relating to the Aaron Burr conspiracy, see 1 Richardson, Messages and Papers of the Presidents 412 (1898) [hereinafter cited as Richardson]; President Jackson's refusal in 1835 to furnish documents bearing on an alleged fraud in the sale of public lands involving the former Surveyor-General of the United States whom the President had removed from office, see 1957 Attorney General's Memorandum at 7; President Tyler's refusal in 1843 to divulge information with respect to alleged frauds perpetrated upon the Cherokee Indians, 3 Hinds, Precedents of the House of Representatives 181–82 (1907); President Franklin Roosevelt's refusal in 1941 to turn over certain FBI investigative reports on labor disturbances, see 40 Op. Att. Gen. 45 (1941); President Truman's directive to Government officials in 1948 not to reveal Employee Loyalty Program records or reports outside of the Executive Branch, see 1957 Attorney General's Memorandum at 66–67.

[9] President Washington's refusal in 1796 to provide the House of Representatives with a copy of the negotiating instructions for the Jay Treaty, see 1 Richardson at 194; President Jackson's refusal mentioned in note 8 above; President Grant's refusal in 1876 to disclose the activities of the Executive Branch performed away from Washington, see 7 Richardson at 361; President Cleveland's refusal in 1886 to provide documents to the Senate relating to the removal of George Duskin from his office as a district attorney, see 8 Richardson at 875; President Coolidge's refusal in 1924 to provide the Senate with a list of the companies in which Secretary of the Treasury Mellon had an interest, see 65 Cong. Rec. 6087 (1924).

[10] President Tyler's refusal in 1842 to furnish the House of Representatives with the names of certain applicants for federal offices, and the details of their applications, see 4 Richardson at 105–06; President Tyler's refusals in 1843 mentioned in notes 7 and 8 above; President Polk's refusal in 1846 to provide the House of Representatives with certain confidential vouchers for expenses incurred by his predecessor, see 4 Richardson at 433; President Buchanan's refusal in 1860 to provide information concerning the possibility of Executive Branch officials attempting to influence the passage of legislation, 5 Richardson at 614; President Cleveland's refusal mentioned in note 9 above; President Theodore Roosevelt's refusal in 1909 to allow his Attorney General to reveal the reasons why he did not institute certain legal proceedings against the United States Steel Corporation, see 43 Cong. Rec. 527–28 (1909); President Franklin Roosevelt's refusal to turn over investigative reports mentioned in note 8 above; President Franklin Roosevelt's instruction in 1943 to the Director of the Federal Bureau of Investigation with respect to his testifying on certain activities at Pearl Harbor, see 1957 Attorney General's Memorandum at 23; President Truman's directive mentioned in note 8 above; President Eisenhower's directive in 1954 precluding Executive Branch employees from disclosing internal communications to the Senate Committee on Government Operations, reproduced in 1957 Attorney General's Memorandum at 73.

[11] See President Jefferson's refusal mentioned in note 8 above; President Cleveland's refusal mentioned in note 9 above; President Hoover's refusal mentioned in note 7 above; Kramer and Marcuse, *supra* note 3 at 666.

See also cases during the period 1948–53 collected in 1958 Attorney General's Memorandum at 91–121, and cases during the period 1953–60 collected in Kramer and Marcuse, *supra* note 3, Pts. I, II at 623, 827.

Compare Younger, *supra* note 5 at 769–73. See also Collins, "The Power of Congressional Committees of Investigation To Obtain Information From the Executive Branch: The Argument for the Legislative Branch," 39 Geo. L. Rev. 563 (1951); Berger *supra* note 1 at 1289.

The Congress has not always willingly deferred in the instances cited above of Presidential refusal to divulge information, see 7 S. Misc. Docs., 52d Cong., 2d sess. 232 (1893); Collins *supra* at 566; Kramer and Marcuse *supra* note 3 at 623–24.

[12] 299 U.S. 304, 321 (1936).

[13] A relevant precedent was President Hoover's statement to the Senate Committee on Foreign Relations in connection with a request by it for certain confidential material relating to the negotiation of the London Naval Treaty in 1930:

"No Senator has been refused an opportunity to see the confidential material referred to, provided only he will agree to receive and hold the same in the confidence in which it has been received and held by the Executive." (S. Doc. No. 216, 71st Cong., special sess. 2 (1930).)

This is not intended to imply an answer to the further question of what is properly to be withheld from the public.

[14] During the hearings on the U–2 incident in 1960, the Secretary of State and the Director of the Central Intelligence Agency refused to disclose to the Senate Committee on Foreign Relations, even in executive session, the information which the flight was intended to discover, and the Committee acknowledged that the Administration had the legal right to refuse to reveal this information under the doctrine of executive privilege. S. Rep. No. 1761, 86th Cong. 2d sess., 7, 22 (1960). Since Congressional committees, including the Committee on Foreign Relations, have in other cases, received information at least as sensitive as the information solicited by the questions stated at the beginning of this opinion, the concession by the Foreign Relations Committee in its report on the U–2 incident was unnecessary, or at least irrelevant to the type of information under consideration here. There have also been other instances when the Executive Branch has refused to disclose information in executive session. See 1957 Attorney General's Memorandum at 25.

[15] 68 Stat. 956 (1954), 42 U.S.C. sec. 2252 (1964); see also Atomic Energy Act of 1946, sec. 3(f), as added 68 Stat. 922 (1954); 42 U.S.C. sec. 2013(f) (1964).

The Senate Report on the original act stated: "It is recognized that many unforeseeable developments may arise in this field requiring changes in the legislation from time to time." S. Rep. No. 1211, 79th Cong. 2d sess. 10 (1946).

[16] See 6 Op. Att. Gen. 680–83 (1845).

[17] In signing the Mutual Security Act of 1959, President Eisenhower specifically stated that he was not waiving any Constitutional right to withhold information, Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1959, 549.

[18] U.S. Const. Art. II, sec. 3.

[19] Berger *supra* note 1 at 1114–15. *But see* Bishop *supra* note 5 at 491.

[20] 68 Stat. 956 (1954), 42 U.S.C. sec. 2252 (1964). See also 68 Stat. 957 (1954), 42 U.S.C. sec. 2254 (1964).

[21] See Standing Rule of the Senate 25.11, Senate Manual, S. Doc. No. 91–1, 91st Cong. 1st sess. 32 (1969). See also Legislative Reorganization Act of 1946 sec. 136, 60 Stat. 832, 2 U.S.C. sec. 190d (1964).

The absence of judicial determination of the legal relations between organs of government, especially where the rights of private parties are not involved, does not negate such obligations. See Chayes, "A Common Lawyer Looks at International Law," 78 Harv. L. Rev. 1396, 1400–03 (1965) (with specific reference to the matter of executive privilege).

FREEDOM OF CHOICE

Mr. BYRD of West Virginia. Mr. President, I am for the so-called freedom-of-choice amendment to prohibit forced integration in the schools.

The U.S. Supreme Court, in 1954, in the Brown case outlawed State segregation laws, saying that the equal protection clause of the 14th amendment prohibited the States from assigning children in the public schools on the basis of race or color. How can the Constitution of the United States today require what it so clearly prohibited 16 years ago in the Brown case, namely, State dictation of school assignment on the basis of race or color?

Yet, Federal courts and Federal bureaucrats in HEW are requiring, in effect, that students be bused from one school to another and assigned to this school or to that school on the basis of color or race, the purpose being to overcome racial imbalance.

HEW is acting in open violation of the 1964 Civil Rights Act, which clearly provided that students were not to be bused from one school to another or assigned on the basis of color or race just to overcome racial imbalance.

Negro and white students are being bused away from their own neighborhoods, and forced to attend schools miles away, against their will, just to bring about racial balance in the schools. This is a waste of the taxpayers' money, which could be better spent on educating blacks and whites and preparing them to earn a living.

Politicians and Federal judges and Federal bureaucrats can afford to send their own children to private schools or live in white suburbia, but in order to make political hay they vote for forced integration for everybody else's children. This is pure hypocrisy. They think they are pleasing Negro voters. But, as a matter of fact, many Negro and white parents resent this. After all, why should not the people who pay the taxes have some say in where their children will attend school?

How many Senators and Members of Congress, how many Federal judges, and HEW bureaucrats send their children to school in the District of Columbia where the school population is 95 percent Negro? How many Senators and Representatives, Federal judges, and HEW bureaucrats would be willing to move out of white suburbia and into the District of Columbia in order to integrate both

the city and the public schools of the District? To ask the question is to answer it.

Mr. President, it is time that Negro parents and white parents all over this country take a stand against forced integration, and speak out against politicians, Federal judges, and HEW bureaucrats who insist on pursuing this unwise, unworkable, foolhardy social experiment. People like to choose their own associates, and they have a right to choose their own associates. I am against forced segregation. But I am also against forced integration. Neither can be supported by the Constitution.

A policy of forced integration cannot be supported by the Constitution or any Federal statute, and its enforcement will bankrupt and destroy the public school system in this country.

Mr. President, I do not speak for the South. I do not speak for the North. I represent a border State. I think I speak in the national interest and in the interest of the public schools of the Nation.

I am opposed to busing children around like cattle and treating them like guinea pigs in an utterly foolish social experiment which, in the long run, will not only create more racial unrest, but will also greatly impair the public school system and destroy quality education in this country.

Mr. President, I hope the Senate will agree to the freedom of choice amendment on tomorrow.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—SUBMISSION OF AMENDMENTS

AMENDMENTS NOS. 491, 492, AND 493

Mr. ERVIN. Mr. President, on behalf of Senators ALLEN, EASTLAND, GURNEY, HOLLAND, JORDAN of North Carolina, RUSSELL, SPARKMAN, STENNIS, TALMADGE, and THURMOND I send to the desk three amendments to H.R. 514, the Elementary and Secondary Education Amendments of 1969.

These amendments are written in simple and plain English so that even bureaucrats in the Department of Health, Education, and Welfare can understand what they say.

The first amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

The second amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

The third amendment provides that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board to assign any member of a public school faculty to any public school other than the school in which such member contracts to serve.

Mr. President, these amendments, if agreed to by the Senate, would restore freedom to the schoolchildren of this country and prohibit them from being made hapless and helpless subjects of bureaucratic oligarchs. They would restore to school administrators and teachers their freedom to contract in schools in which they are to serve.

Mr. President, I ask unanimous consent that the three amendments be deemed to be germane to H.R. 514, within the purview of the unanimous-consent agreement.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that these amendments be received and printed, and that they lie on the table, to be called up.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of Virginia. Mr. President, will the Senator from North Carolina add my name to the list of cosponsors?

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Virginia (Mr. BYRD) be added to the list of cosponsors of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

GI DEAFNESS ENTIRELY UNNECESSARY

Mr. YOUNG of Ohio. Mr. President, it is appalling to learn that the U.S. Army still has not adopted a standard policy for protecting a soldier's hearing. More than half of the 500,000 American soldiers who undergo combat training each year suffer hearing losses.

So serious has this problem become that a recent study by two physicians at the Army's Walter Reed Hospital revealed that 76 percent of the troops permanently assigned to Fort Jackson, S.C., experienced hearing impairment.

Indeed partial deafness is now matter of factly accepted at Army bases across the country. Dr. Thomas Nilges, Director of the Walter Reed Audiology and Speech Center states:

> I estimate the chances that a soldier will need a hearing aid after 20 years are 10 times greater than for a civilian.

The Veterans' Administration reports that presently it pays approximately 60,000 veterans about $3,300,000 per month in disability payments for hearing impairments. This amounts to $40 million a year for compensation for hearing impairment.

It is sad and a tragic irony of these hearing injuries that in many cases an investment of $6 a soldier for a pair of earmuffs such as are worn by ground crews at commercial airports to protect against noise, would have prevented both the soldier's loss of hearing and the taxpayer's burden of reimbursing servicemen for their injuries by monthly disability payments as long as each former soldier lives.

In 1963, the Surgeon General's Office recommended that each Army recruit be given an individually fitted pair of earplugs. That recommendation was never implemented, notwithstanding it is the only humanitarian thing to do and in the end would save our Government many millions of dollars. At present the Army issues a small pair of earplugs to all recruits but their wearing them is not enforced and they have not been fitted by trained technicians or doctors and are frequently uncomfortable for the soldier and therefore discarded. Indeed, many of the troops complain that the earplugs hurt them. In some cases, the soldiers have been substituted cigarette filters for the inadequate earplugs assigned them.

Even more shocking, at some bases officers discourage recruits from wearing earplugs during noisy exercises and artillery firing. For example, at Fort Dix, N.J., firing range officers refused to allow the troops to wear earplugs during marksmanship exercises despite the fact that four shots from an M–16 rifle are sufficient to cause serious hearing loss to an unprotected ear.

Some Pentagon officials assert that the earmuffs, which are $6 a pair, cost too much.

Mr. President, deafness in the name of economy when the welfare of our country's young men is at stake is intolerable. Indeed, the entire Army argument of economy in this connection is nonsense. All of the half million GI's who undergo combat training each year could be provided with earmuffs for $3 million or less. This is $300,000 less than the Veterans' Administration pays to veterans each month for service-connected hearing defects, deafness and partial deafness.

The past negligence and inattention on the part of the Army that has resulted in the present claims by former GI's for hearing loss has no justification. All thoughtful Americans, I feel certain, join me in demanding an end to this wasteful brutality. There is no excuse for perpetuating a policy or even permitting a policy which results in hearing losses for the enlisted soldiers and draftees. How could this be justified in the name of economy when billions of dollars are spent annually on wasteful Pentagon projects and on boondoggles to add to the comfort of army officers?

Mr. President, I have been a private in our Army in time of combat. I have also been an officer. I know what I am talking about and I am talking about facts.

DESEGREGATION POLICIES

Mr. THURMOND. Mr. President, an article appeared in the February 7 New Republic by Alexander Bickel which is attracting considerable attention. The New Republic is a very liberal magazine which makes no pretense that its place on the ideological spectrum is anywhere but on the left. The writer of this particular article entitled "Desegregation—Where Do We Go From Here?" is a pro-

fessor of law and legal history at Yale and has been a contributing editor to the New Republic for the last 13 years. It seems unlikely that Mr. Bickel could rightly be called a racist, or a segregationist, or, for that matter, even a conservative.

In spite of the liberal credentials of both Mr. Bickel and the New Republic, this article is a strong indictment of current desegregation policies as practiced by the Supreme Court and the Department of Health, Education, and Welfare. The article persuasively points out that current methods of desegregation are not promoting healthy race relations in public schools. Instead, in conformity with sociological data available on the subject, these policies are creating resegregation. This occurs through massive flight of innercity whites to the suburbs in urban areas. It occurs through large-scale withdrawals of students from public schools into private and parochial schools in other areas. But it occurs.

Mr. President, Mr. Bickel poses the question as to whether this flight of whites from massive integration can be stopped. He answers his question by suggesting that such a solution would be so costly—in both human and financial resources—as not to be worth trying. This article, while written from a point of view I do not share, is worth the attention of this body. It states clearly, concisely, and convincingly the reasons why a reappraisal of school desegregation policy is so vitally necessary. While I think it unlikely it was intended as an argument for the pending amendment, it is just that. I should like to quote several passages from Mr. Bickel's article which are particularly relevant:

In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

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HEW and some lower federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous character as a white or black school. Faculties and administrators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools in which they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an East-West attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

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What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about thirty-five percent of black pupils in school with whites.

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It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of state and local tax aid as well. Lacking any state support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run, we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?)[1] This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites, and is proceeding at a rapid pace. Pursuit of a policy of integration would require, therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter-loads, as distances lengthen. Very substantial resources would be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

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And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

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There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

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The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

Mr. President, I was born and educated in Edgefield County, S.C., which is a rural southern county much like those described in the New Republic article. I taught school there and coached athletics, and served as county superintendent of education for Edgefield County. I am very proud of the fact that Edgefield County has a high school named Strom Thurmond High School. The school population of Edgefield County consists of 4,382 students, 1,416 white and 2,966 black. It is uncertain at this time what the desegregation plan finally approved for the county will be. It is certain, however, that it will be unpopular. A number of citizens have already begun preparations for a private school. Edgefield County is very much like other small rural counties with large Negro populations. The pending changes in the public schools are received with sadness and with bitterness. The towns are small and historic. When the changes come, there will be no Montgomery County to move to.

Mr. President, it is strange in a way that the southerners in the Senate, my-

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[1] For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a federal desegregation order, said today she will take the case to the Supreme Court. US District Judge Luther Bohanon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and federal court orders running our schools. We demand an end to this madness."

self among them, find it necessary to quote a liberal writer in a liberal magazine on this subject. Undoubtedly, both Alexander Bickel and the New Republic will be beseiged with angry protests that they have aided and abetted the reactionary, segregationist southern bloc in a Senate civil rights debate. We have, of course, pointed out many of the things this article points out. Considering the reputation of southern rhetoric, I am sure we have done so as articulately. Further, I have no doubts that those of us from the South know far more about this subject—in spite of Mr. Bickel's credentials. It is strange, and a little sad, that we who are so directly familiar with what is happening and what is going to happen to education in the South find it necessary to quote a Yale professor of left wing persuasion to substantiate our views. Yet the truth is that the state of politics in this Nation—and indeed in this Senate—is such that we are not believed. Our motives are suspect—not because of our arguments but because of our accents.

Mr. President, I ask unanimous consent for 12 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am willing to admit—begrudgingly—that the motives of many who will oppose this amendment are theoretically pure. Many of my colleagues are convinced that current policies are desirable for the well-being of Negroes in the South and see no counterbalancing harm resulting from these policies. But I hope that those of you who fall in this category and cannot be persuaded by southern rhetoric will take another look at this issue. Let us hope that the northern liberal reasoning of Mr. Bickel will succeed where we have not been listened to as we should have been.

Mr. President, the New Republic is not the only magazine which has discussed this subject cogently in a recent issue. National Review, which I must admit makes for a more reliable steady diet than the New Republic, published an editorial in its February 10 issue on this subject. Entitled "The Fruits of Integration," the editorial points out the failure of the present course. For those of my colleagues who are more comfortable with Buckley than Bickel, I should like to read this thought-provoking editorial:

THE FRUITS OF INTEGRATION

Recent surveys by the Department of Health, Education, and Welfare point to the conclusion that systematic federal attempts to integrate the nation's public schools have resulted in social and educational deterioration. In the years since the *Brown* decision (1954), federal authority has moved beyond the striking down of segregationist state laws and sought to mix the races through various kinds of positive measures: redistricting, enforcing guidelines, insisting on racial balance and so forth. This great enterprise in social engineering has produced predictable results.

A spot-check survey just completed by the Office of Education failed to find a single integrated high school—anywhere—that was free from racial conflict. In such urban centers as New York City and Chicago, racial animosity in the high schools is so intense that only the presence of large numbers of police can assure even a precarious order. Needless to say, such an atmosphere is not conducive to learning.

But though some of the schools that have been integrated are in a state of incipient race war, the integrationist drive has in fact produced relatively few integrated schools. A pattern of "resegregation" exists all across the nation: as a local public school becomes integrated, the whites move elsewhere, and the school then becomes resegregated. This year, public schools in Washington, D.C., are 95 per cent Negro, the whites having departed for the surrounding suburbs: a pattern that is a product of class as well as of racial differences—Negroes who have become middle-class are also leaving the central city, for they too find its social conditions intolerable. Elsewhere the tendency is the same, though the process of resegregation is not so far advanced as in Washington. More than half the Negro pupils in the North attend schools that are 95 to 100 per cent Negro.

The results of fifteen years of the integrationist drive are now in. The federally inspired attempt to mix the races has had three spectacular results: 1) It did integrate some schools, a minority, but succeeded thereby in turning many of them into racial battlegrounds and crippling others for purposes of education; but 2) viewed nationwide it largely failed, since whites faced with integration either moved out or switched to private schools; and 3) it made a vast contribution to urban decay by driving middle-class, taxpaying whites out of the central cities and into the suburbs.

And yet despite the almost uniformly disheartening results, the integrationist drive persists because it is so intimately a part of liberal ideology, which, in its various forms, characteristically hates, fears and strives to transcend "irrational" differences of culture, race, sex and so on. As the "irrational" differences fade away, so runs the odd liberal amalgam of hope and assumption, "humanity" will find its common denominators and become homogeneous—"mankind," forever more, amen.

Only in the real world it doesn't seem to work out that way. People in fact perceive the "irrational" differences as real, and even as definitive, and they vote with their feet. The word "integration," therefore, should now receive a new definition, one more in harmony with the historic American social reality; it should be redefined as "integration into the American social system"—which has by no means really produced a melting-pot homogeneity. As Nathan Glazer and Daniel P. Moynihan have shown in *Beyond the Melting Pot*, the melting pot did not in fact melt very much, and we remain a nation of many distinctive groups. Hanson's so-called "law" in sociology, indeed, holds that the third generation of an American ethnic group is likely to insist upon its ethnic particularity with a special intensity. And everywhere, the desire for differentiation seems powerful; endogamy remains the norm, exogamy, the aberration; ethnic neighborhood and locality and attitude persist from generation to generation; people naturally—if, from a liberal standpoint, irrationally—prefer the company of those similar in manner and mode, and resist random association.

By 1970, the entire process of forced integration, fueled as it is by abstract ideology and a priori theories about human nature, has brought racial relations to a point of exacerbation unknown since Reconstruction, and the messages from reality have begun to shake the faith of even such professional federal integrationists as Leon Panetta, HEW's civil rights chief. "We need a congressional investigation of this whole question of the results of integration," he declares—but, meanwhile, we will get more of the same: "In the meantime, we do what the law says we should do." A fanatic, as George Santayana once said, is a man who redoubles his efforts after he has lost sight of his goals.

Mr. President, the disenchantment of many liberals and conservatives in the North with current methods of integration is the result of the experience of large metropolitan areas outside of the South. I should like to review briefly the situation which now exists in the Nation's five largest school districts. These districts—all outside the South—have met the problem of desegregation with resegregation. These figures are from the report of the Department of Health, Education, and Welfare of January 2, 1970.

FIVE LARGEST SCHOOL DISTRICTS IN THE UNITED STATES

New York City—80 percent of Negroes are in schools over half Negro; 44 percent in schools over 85 percent Negro; 10 percent in 100 percent Negro schools.

Los Angeles—95 percent of Negroes are in schools over half Negro; 79 percent in schools over 95 percent Negro.

Chicago—97 percent of Negroes are in schools over half Negro; 85 percent in schools over 95 percent Negro; 47 percent in 100 percent Negro schools.

Detroit—91 percent of Negroes are in schools over half Negro; 59 percent in schools over 95 percent Negro.

Philadelphia—90 percent of Negroes are in schools over half Negro; 60 percent in schools over 95 percent Negro.

Mr. President, we can see from these figures that this problem is a national one—not a southern one. We can also see that the much-heralded solution of ill-considered mass mixing has not produced racial harmony—it has produced migration and disruption. It is rather tragic that a policy which has failed so miserably in the North is now being urged upon the South. Those in the Department of Health, Education, and Welfare and on the Supreme Court should have studied these figures and the factors which created them. Rather than reapplying unworkable solutions with even more energy, they should have attempted to create new solutions.

The failure of massive integration is discussed in another editorial which appears in the February 16 U.S. News & World Report. The distinguished editor David Lawrence points out the pressing need for a clear and reasonable standard for what constitutes desegregation:

One of the principal difficulties is the vagueness with which the courts have handled the whole problem of integration. Since the first important decision was rendered in 1954 requiring desegregation, there has been no clear definition of what course the schools should take to attain this.

It is no answer to issue a court order and fix a date by which a certain quota of each race shall attend a public school. It is no answer to assign a proportionate number of teachers of each race to all schools in a district. Teachers themselves are today unhappy and dissatisfied. Some of the best teachers are resigning their jobs and seeking other forms of employment. They do not want to become involved in the controversies.

First of all, it is necessary to proclaim definitions of what is meant by "integration." If segregated schools have arisen because of State laws in certain localities and neighborhood patterns have been formed, it will take some time to alter such situations. In the North these are described as "natural patterns." But the people in the South see little difference because both have become established facts. The worst thing that could happen would be to have one set of rules applying in some States and another system in other States.

Mr. President, this editorial, entitled "Reason—Not 'Rulings'—Can Bring Racial Peace" is an excellent argument for passage of the pending amendment. It sets as the standard for the Nation a statute passed for New York, hardly a Southern State. Further, the statute provides for the maximum of freedom for students and parents, without the stresses, strains, and failures of forced integration.

In closing I should like to discuss one unsettling issue which has occurred in this debate. The discrepancy in national policy on school desegregation toward the South and the rest of the Nation is said to rest on a judicial distinction between de jure and de facto segregation. While certain legal problems may present themselves in attempting to deal with de facto segregation, I am convinced that the social planners in HEW would have tackled these problems with energy and enthusiasm if they had wished to. The fact of the matter is that almost total concentration of efforts has been placed on southern school districts for a different reason. The ardent integrationists know the senseless integration plans being forced on southtern school districts would create just as serious reaction in the North as they have in the South. Because the South has traditionally been the whipping boy for the Nation on civil rights issues, little political consequences occur outside of the South when radical solutions are forced upon the South. When they have completed their destruction of public education in the South, then they will turn North with the same fury and fanaticism they have displayed toward us. Even if political pressures prevent their success in the North, they will have finished their disruptive policies in the South.

This is discrimination with a vengeance, and this body should be aware of it and reject it. If a policy is unwise for the Nation, it is certainly unwise for one section of the Nation. We are all familiar with the special educational problems which exist for the disadvantaged. Educators conduct studies in solving these problems, recognizing they are difficult and not common to all children. People whose children do not have these problems understandably do not wish their children placed in such a difficult environment. This is true nationwide. This is true for Members of Congress who have school age children.

Must we in the South be subjected to conditions considered unacceptable to the rest of the Nation?

Mr. President, this amendment would set aside a reasonable standard for desegregation for the Nation—a standard that refuses to override the parents' right to choose their child's educational environment. It has never been more necessary.

I urge the Senate to accept it.

AMERICANS SHOULD KNOW THIS

Mr. YOUNG of Ohio. Mr. President, American taxpayers are not only spending billions of dollars a year waging an undeclared war in Vietnam and Laos, in addition they are required to pay foreign taxes to these often corrupt regimes. The General Accounting Office reported that the United States is paying more than $1 million each month in taxes to Saigon over and above the $25 billion a year we pay out for the privilege of fighting there to save the Saigon militarist regime and keep it in power. The GAO has termed this tax expenditure "inappropriate." They could have termed it monstrous and outrageous.

In a sample audit covering 24 months, the GAO found $28 million was paid in property taxes by the Defense Department and other agencies to South Vietnamese landlords. These landlords deviously included their taxes in rental charges for leasing facilities to the U.S. Government, undoubtedly to conceal the facts and the extent of this unjust taxation. The GAO's Vietnam review revealed that during this 2-year period defense agencies paid $55,600,000 in rent. Property, licenses, and income taxes included in the rent ranged up to 62 percent of the total leases.

Mr. President, this provides but another example of our subservience to the Thieu-Ky militarist regime in Saigon. Tens of thousands of young Americans have lost their lives to keep that regime in power. Hundreds of billions of American tax dollars have been wasted to cater to the needs of the Saigon militarists. The Saigon government itself has been the major stumbling block to an armistice and cease-fire in Paris. Many of its generals were sergeants or air cadets who fought with the French against the Vietnamese forces of national liberation during the fighting that continued from 1946 to May 1954. Vice President Ky proudly displays French decorations which he was awarded for his fighting against his own people seeking national liberation in 1954. These guerrillas were termed Vietminh then; now VC. Both Ky and Thieu were born in North Vietnam. Their regime lacks support of the people of South Vietnam. It has no political base whatever.

When our American ground troops leave Vietnam for home President Thieu's departure to join his wife in her recently purchased and very lavish villa in Switzerland and Vice President Ky's departure to rendezvous with his unlisted bank accounts in Hong Kong and Switzerland will not be long delayed. Yet, we are now paying taxes to that government on the property we are using to maintain the regime. It is as if the Thieu-Ky government had been doing us a big favor in allowing us to waste our money and sacrifice the lives of our young men in their behalf.

Mr. President, this preposterous situation violates all logic and reason. It is also in clear violation of congressional policy. The Congress, in enacting the Mutual Security Act of 1951, precluded the use of funds authorized for the European program for the payment of taxes. This prohibition has been adopted by the Defense Department as applicable to all parts of the world. It had always been viewed as an expression of congressional policy that U.S. contributions to common defense must not be subject to foreign taxation. In the Mutual Security Act Congress recognized the absurdity of paying a country for the privilege of protecting it. There is no legal basis and certainly no moral justification for the financial burden of a foreign tax being passed on to the United States. The continuing payment of taxes to the Saigon militarist regime must end.

The General Accounting Office review shows clearly that bungling administration and pure lack of concern on the part of high officials of the U.S. Government and the Military Establishment have been the prime reasons that foreign taxation has been allowed to continue. The GAO report reveals that no central authority or command exercised any degree of meaningful control over the administration of tax matters in South Vietnam. In addition no policy or procedural guidelines had been promulgated to assist these officials in fulfilling their responsibilities. Instead of acting to protect the interests of the United States, officials of the major service commands used every available means of passing the buck and avoiding responsibility.

Much has been made of U.S. "commitments" around the world. American citizens have every right to expect that the countries we have helped protect with American arms and dollars and the blood of our finest young men will honor their commitments to us under tax-relief agreements and understandings. However, the nonpartisan, nonpolitical General Accounting Office has reported significant "resistance" by the governments of South Vietnam and other nations in honoring its commitments. The outflow of taxpayers' dollars at the rate of $1 million a month is proof of the GAO conclusion that our tax arrangements with South Vietnam are "not within the spirit of U.S. tax-exemption policy."

Mr. President, I call upon the President and Secretary of State to develop a new tax-relief agreement with Saigon to protect the taxpayers' money and the wishes of the American people as expressed by Congress 19 years ago. Moreover, those military officials charged with carrying out the foreign tax policy must end the negligence and inefficiency which has helped perpetuate this huge waste. We have already gone much too far in supporting the corrupt militarist regime in Saigon.

IMMUNITY LEGISLATION AND THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, in the weeks following passage by this body of S. 30, the Organized Crime Control Act of 1970, I have noted several articles condemning certain provisions of the act. It is not pleasant to read hastily written, undocumented, and inaccurate criticisms of work that was carefully conceived and meticulously reviewed for 12 months before submission to and approval by this body. Indeed, it is apparent to the most casual reader that the vast majority of articles critical of S. 30 have been

written without regard to or knowledge of the content of the act. Organizations have misrepresented the content of S. 30 and then proceeded to demonstrate how their misrepresented version of S. 30 would be bad law. In many instances, were S. 30 to have the effect claimed by its opponents, I might also oppose those provisions. The fact is, however, that S. 30 as passed by this body is constitutional and does not unnecessarily impinge on the individual rights of our citizenry.

Mr. President, on Sunday, February 15, 1970, I had the pleasure of discovering a well-written and thoroughly researched article entitled "The Fifth: Key Target in Nixon's Fight on Crime," on page C2 of the Sunday Star, written by Mr. Eugene Methvin. Title II of S. 30, concerning immunity, was a major topic of this article which dealt, in general, with the fifth amendment. I ask unanimous consent that at the conclusion of my remarks the full text of this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. In order that the Members of this body might remove any lingering doubts as to the wisdom of their vote for title II of S. 30, I suggest that those having doubts read this article. But more importantly, I am hopeful that the Members of the House of Representatives will compare this calm and well-documented article with the hysterical and vague allegations of other articles which have appeared recently. I am confident that those in the House who examine title II and the other provisions of S. 30 will conclude, as did the Members of this body, that they are necessary aids to effective law enforcement. We are all aware that there are some members of the House Judiciary Committee who have in the past expressed opposition to immunity legislation. I particularly hope that all members of the House Judiciary Committee will read this article. I believe it is a most persuasive review of the fifth amendment as written and as interpreted over the years, and it makes a sound case for enactment of title II of S. 30.

I congratulate Mr. Eugene Methvin, the author of the article, for the calm, diligent, and time-consuming work that went into its preparation. Such work is a tribute to the journalist's profession. It is even more impressive when compared with some of the work of his colleagues in the press.

EXHIBIT 1

[From the Washington Sunday Star, Feb. 15, 1970]

THE "FIFTH": KEY TARGET IN NIXON'S FIGHT ON CRIME

(By Eugene H. Methvin)

President Nixon, in a special message to Congress, has declared unconditional war on organized crime, the 5,000 members of 24 gangs who suck an estimated $50 billion a year from the bloodstream of America and leave behind a wake of corruption, violence, dope addiction and street crime.

To wage this war, the President asked for a new and vital weapon for law enforcement: a new statute redefining and carefully limiting the constitutional Fifth Amendment privilege against self-incrimination.

His proposal is included in the omnibus "Organized Crime Control Act" already approved by the Senate, 73 to 1. House prospects, however, are cloudier. There, the Judiciary Committee has not yet considered the proposal.

Regardless of what the House does, President Nixon's approach to limiting the Fifth amendment has already been adopted in state statutes and approved by the California, New York and New Jersey supreme courts, so the issue is headed directly for an early U.S. Supreme Court test.

In tackling head-on the problem of restoring the dangerously tilted balance in our criminal procedures, the President will have the help of a new chief justice, Warren E. Burger, who has warned: "Our system of criminal justice was based on striking a fair balance between the needs of society and the rights of the individual. To maintain this ordered liberty requires a periodic examination of the balancing process, as an engineer checks the pressure gauges of his boilers."

And the gauges read trouble. Crime in America is growing six times as fast as population, and public surveys reveal that nearly half the people living in our cities are afraid to venture outside their homes at night. From the halls of Congress to state legislatures and corner drugstores across the nation, Americans are protesting that expanded rights for persons accused of crime are destroying everyone's right to security and public safety.

15 WORDS

The Nixon Administration proposal goes to the heart of one of the most bitter and far-reaching constitutional controversies in the nation's history: the scope and nature of the Fifth Amendment privilege against self-incrimination, 15 words that have been used, abused and misunderstood more than any other single provision the Founding Fathers wrote. It says simply: "No person shall be compelled in any criminal case to be a witness against himself."

Here is how it is being interpreted:

Item: In Chicago Mafia boss "Teetz" Bataglia, free on bond, goes home every night during his extortion trial. His blackmail victims go to jail—for their own safety, since they have been threatened with baseball bats because they refuse to "take the Fifth" to avoid testifying about Mafia operations.

Item: In Washington the Secretary of the U.S. Senate, Bobby Baker, dodges behind the Fifth scores of times when his Senate superiors ask questions about payoffs for political favors, hidden ties with underworld figures, even prostitution and abortion procurement under the very Capitol dome.

Such cases would have been unthinkable to the framers of our Constitution. They arise because in recent years Supreme Court justices by narrow majorities have allowed these few words in our Bill of Rights to become a fetish.

Says Professor Robert G. Dixon of the George Washington University Law School: "In charting wise legislative reforms that preserve the essence of the privilege for its truly vital purposes, we must understand how judicial elaboration has stretched the Fifth Amendment and created new hurdles in criminal investigations."

COMPROMISE

As adopted, the Fifth Amendment privilege represented a practical compromise between an accused individual's need for protection against overzealous interrogators and the public's equally vital need for effective law enforcement. But through the years U.S. Supreme Court interpretations have destroyed this balance and bloated the Fifth far beyond its intended constitutional limits. Indeed, in 1966 as five justices extended it to still new extremes, Justices Byron White and John Harlan declared that the new rulings have "no significant support in the history or language of the Fifth Amendment."

The privilege against self-incrimination arose in English common law in the 1640s from Puritan protests against King Charles I's Star Chamber inquisitorial prosecutions for political and religious crimes. The landmark cases establishing the privilege had nothing to do with common crime. They concerned the religious heretic, the nonconformist or the critic who irritated royal ministers, not the murderer, rapist or bagman Even in Puritan Massachusetts, whose citizens fled England to escape the hated interrogations, a magistrate investigating ordinary crime was expected to "sifte ye accused and by force of argument to draw him to an acknowledgemente of ye truth." The interrogator might be "provoking and forcing to wrath," but he might not so much as tweak the suspect's nose—that was all the privilege meant.

This was precisely the commonsense, balanced compromise Congress adopted when in 1789 it wrote the Bill of Rights—the first ten amendments—for our Constitution. To its framers the Fifth Amendment's 15 words meant only what they clearly say; that a man on trial for a crime could not be called to the stand and compelled—that is, by threat of punishment—to testify to his own guilt. They clearly did not mean an accused should escape all pressure and inducement to tell the truth. Magistrates were expected to question promptly to take advantage of the impulse to confess that frequently fades after an accused wrongdoer has opportunity to invent false defenses. If he refused to answer questions, the jurors at his trial could be told so and draw their own conclusions.

The framers went to extraordinary lengths to so limit the self-incrimination privilege. Rep. James Madison proposed in his Bill of Rights an unlimited version extending not only to defendants on trial but witnesses in any proceeding. Rep. Lawrence of New York objected that this was too broad. Thereupon Congress on Aug. 17, 1789, inserted the words "in any criminal case," making this crucial limitation to an accused at his trial an integral part of the Fifth Amendment privilege.

LIMITED IMMUNITY

Lawrence's restriction of the scope of the absolute constitutional privilege had these crucial consequences: A man accused of receiving stolen goods, for example, had a clear constitutional right to refuse to testify at his own trial. He could not be jailed for his silence. But neither could he prevent the prosecutor from arguing and the jury from concluding that his refusal to answer questions, plus other evidence, adds up to "guilty." Nor, if called as a witness at the thief's trial, could he claim a constitutional privilege. He shared the centuries-old duty, accepted without question by the Fifth Amendment's framers, of all citizens to give evidence. Congress and state legislators were free to decide—by simple statute in the light of experience—how much privilege he should have in grand jury proceedings, legislative investigations or other proceedings beyond his own trial.

Legislators in the 19th century generally exercised this authority wisely to maintain a balance. They extended a limited testimonial immunity to persons not actually on trial, permitting compelled testimony of witnesses but restricting the use to which that testimony could be put. Under such a rule any criminal who seeks to increase his effectiveness in any criminal enterprise by taking in a confederate also increases his risk of exposure and conviction before the bar of justice because he risks that his accomplice may be compelled to testify against him.

Organized criminal conspiracies become risky, indeed. A government purchasing agent accused of taking kickbacks might be haled before a grand jury or legislative body and compelled to answer all questions. But if he incriminated himself, his testimony could not be introduced against him in any later

prosecution. However, if his testimony led to a secret bank account or witness who had conspired with him, prosecutors could present such independent evidence against him. "That," said one senator, "is all that a rascal ought to have at the hands of justice—even more than he ought to have."

This compromise worked fairly for decades. Grand juries and prosecutors were able to call implicated persons as witnesses and pry open conspiracies involving corrupt public officials, racketeers or corporate robber barons scheming to cheat the public.

For over a hundred years the Supreme Court made no rulings on the taut line the Founding Fathers drew on the Fifth Amendment. Then in 1892 the justices struck the first blow. A federal grand jury investigating Interstate Commerce Act violations asked a Chicago grain dealer named Counselman what he knew about secret monopolistic railroad offers of freight rates below their published tariffs. He refused to answer, citing the Fifth.

The Court thereupon created the Counselman rule extending the Fifth to witnesses in the face of overwhelming legal authority to the contrary. It was, says Lewis Mayers, a foremost historian of the privilege, a classic case of judicial law-making in clear defiance of the Constitution and legislative prerogative: The justices simply repealed the clause limiting the Fifth to "any criminal case." Today's "constitutional" privilege for witnesses thus comes not from those who wrote the Bill of Rights.

APPLIED TO STATES

It is the legacy of corporate lawyers who sat on the high bench in the gaslight era and waged war against the common citizen's right to curb industrial robber barons cheating the public. And it vastly aided the mammoth 20th century growth of "The Syndicate" whose bosses are beyond reach of criminal prosecution, thanks largely to the extension of the privilege to witnesses.

Ironically, that very year Canada's parliament adopted the discarded American rule of limiting the witness's immunity to preventing his compelled testimony from being used against him later. Today, after 78 years of experience, the Canadian bar and bench accept this rule as operating with complete fairness. Canadians may thus compel testimony from implicated witnesses to convict racketeers, conspirators and corrupt officals who in the United States are untouchable.

Meanwhile, Supreme Court interpretations not only continued but sharply accelerated their expansion of the Fifth. Since 1950 the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Moreover, not until a scant five years ago did the Court apply its new and expanded federal rules to the states, which have the vastly more difficult task of enforcing fundamental criminal laws such as robbery, murder and rape that have never concerned federal enforcers because they are not federal crimes. By this extension the justices in Washington smashed with a stroke the delicate balances worked out over generations by state legislatures, trial judges and supreme courts. Among the new privileges smuggled in on the coattails of the old:

1. Witnesses may falsely claim fear of self-incrimination. When a Philadelphia grand jury asked a witness, "What is your occupation?" the man took the Fifth. Ordered to answer, he refused—and the U.S. Supreme Court upheld him: The interrogators "should have considered that the chief occupation of some persons involves evasion of federal criminal laws," said the justices.

Originally witnesses could stay silent only if their answer would establish some element of a crime that the prosecution would have to prove to convict. They also had to show, in addition, that the danger of self-incrimination was "real and substantial." In recent years a majority of justices developed a new rule that a witness must be permitted to refuse information unless it is "perfectly clear" he is mistaken and his answer "cannot possibly" tend to incriminate him. This, Justices Harlan and Clark protested, converts the privilege into "a general one against answering distasteful questions," really a privilege of alleging fear of self-incrimination to dodge a duty of citizenship.

Adds Judge Edward Lumbard of the U.S. Court of Appeals for the Second Circuit, "Court decisions have made it virtually impossible to secure testimony before grand juries and government bodies where there is any claim of Fifth Amendment privilege, no matter how far-fetched."

PROTECTION DESTROYED

Moreover, such rulings effectively destroy another vital constitutional protection: an accused person's Sixth Amendment right to have compulsory process for obtaining favorable witnesses. An Illinois man was convicted of a rape-murder even though his landlady knew he was in his room asleep at the time of the crime. The prosecutor told her she had "a constitutional right to silence," and so she refused to testify. Convicted, the defendant came within six hours of being electrocuted before a crusading radio station discovered the truth.

2. A judge or prosecutor cannot comment on a defendant's silence, and a jury cannot consider it as an indication of guilt. In a California murder case witnesses testified they saw the defendant and his date go into an alley, and later the woman's battered body was found there. "She can't tell you her side of the story," the prosecutor told the jury. "The Defendant won't." That, the Supreme Court decided in 1965, amounted to "compulsion" to testify forbidden by the Fifth Amendment!

Philosopher and social critic Sidney Hook brilliantly illustrates the folly of such a rule in his book "Common Sense and the Fifth Amendment." Innocent men are usually very quick to proclaim their innocence, while silence creates a legitimate presumption of guilt, he declares: "If a child left alone with the cat refuses to reply to the question whether he locked it in the refrigerator, the refusal certainly has some evidential weight that he did.

"In any case, it is not likely that in the future we would leave him alone with a cat and a refrigerator." That giant of the federal bench, Judge Learned Hand, growled, "The law rises to a supreme height of foolishness when it compels a judge in all solemnity to instruct a jury it should indulge in no unfavorable inferences" against a silent defendant.

Six states adopted a more logical rule. California's constitution was typical: the judge and prosecutor could comment on the defendant's "failure to explain or deny by his testimony any evidence or facts in the case against him." The American Bar Association endorsed such comment, and the respected American Law Institute's proposed Model Code of Evidence authorized it.

SAD SPECTACLE

But the Court's 1965 edict forbade all such common-sense compromise. Justices Stewart and White protested that the ruling "stretches the concept of compulsion beyond all reasonable bounds. No constitution can prevent the operation of the human mind." The sad spectacle moved Justice Harlan to despair: "I hope the Court will eventually return to constitutional paths which, until, recently, it has followed throughout its history."

3. Witnesses may claim the Fifth Amendment privilege in legislative hearings. Americans were shocked in the late 1950s at the long parade of union officials, empowered by Congress with monopoly bargaining powers over thousands of workers, defiantly dodging behind the Fifth to avoid accounting to Senate investigators. Of one, Chairman John L. McClellan asked: "Are you married?" Answer: "I decline to answer under the Fifth Amendment." "Do you have any children—legitimate children, I mean?" Same answer. "Do you know anything that you can tell us about that might not tend to incriminate you? Same answer.

Sen. McClellan's efforts to gather sufficient evidence to convince Congress to pass tough legislation protecting rank-and-file union members against exploitation by labor racketeers largely hit this Fifth Amendment curtain. "Had we been able to present the whole lurid story, we could have marshaled the votes to pass our safeguards undiluted," Sen. McClellan told me. "Instead, the opposition by a narrow vote knocked the teeth right out."

Ironically, the Constitution itself so clearly exempts legislative hearings from the Fifth Amendment's application that no case of a congressional witness invoking it reached the courts in its first 159 years. Then in 1955 Chief Justice Warren upheld such a claim with glittering words that the privilege was so much a "part of our legal heritage" that it "soon made its way into various state constitutions."

The most extensive expansion of those 15 words in the Bill of Rights occurred in 1966. Five justices in the Court's Miranda ruling read them to mean: Policemen cannot even ask an unwilling suspect in custody questions in a criminal investigation. If they do so, announced Chief Justice Warren, the justices will consider police custody "so inherently compulsive" that any answer falls automatically within the Fifth Amendment prohibition against "compelled" testimony. Police must tell the suspect he can remain silent, warn him anything he says can be used against him, offer to get him a lawyer if he cannot afford one himself, and let the lawyer sit in on any interrogation. If the suspect "indicates in any manner" that he does not want to answer questions, "interrogation must cease."

Prophetically Justice Harlan warned: "This court is forever adding new stories to the temples of constitutional law, and temples have a way of collapsing when one story too many is added." And indeed, today this and other Supreme Court "interpretations" are collapsing justice and crippling law enforcement all across America.

ONE SENTENCE

In Seattle, Harry Van De Venter went free because police omitted one sentence before he confessed a robbery-murder: "If you can't afford a lawyer, we will get you one." The officers had carefully warned him he had a right to a lawyer and to refuse to answer their questions. Van De Venter willingly admitted killing an elderly hotel night clerk, Paul Wightman, and taking $30 from his cash register. He even led police to the two guns he had thrown into Puget Sound, and ballistics tests verified that they were indeed the lethal weapons. Stormed the Seattle Post-Intelligencer: "Harry Van De Venter is a free man because no attorney was present when he confessed a killing. Paul Wightman is a dead man, robbed and shot without benefit of legal counsel. Whose rights were violated?"

In Maryland, Judge Joseph L. Carter was compelled to free George McChan from the state penitentiary. McChan had 10 convictions in 18 years for serious crimes, the latest in 1965 based on a confession of three shotgun robberies of liquor stores drawing a 40-year sentence. Judge Carter protested bitterly that Supreme Court rulings were forcing him to "foist a professional holdup man on the public." Five days after McChan walked free, two gunmen held up a Baltimore restaurant, killed the 70-year-old owner as he knelt in front of his safe after handing over its cash, and shot a waitress twice. Though critically wounded, she provided a

description matching McChan's, and next day police stopped the getaway car. They found McChan inside. He was convicted of first-degree murder and sent back to prison for life.

After Los Angeles police read a robbery-murder suspect his Miranda rights, the man said, "I want to tell you about it, but I would like to have an attorney present." The officers called in a Legal Aid Society lawyer and let the two talk alone. Invited back in, the officers asked their first question. The suspect started to answer. The lawyer interrupted, ordered the officers out, and after another conference invited them back in. Again the suspect started to answer. Again the lawyer interrupted. "I'm tired, and I don't want your help," the suspect objected. Again the lawyer ordered the officers out. The third time they started to question, the lawyer curtly told them his client would have "nothing to say." That ended the case since police could not obtain sufficient evidence to prosecute.

One despairing lawman asked me: "Chief Justice Warren said if the suspect 'indicates in any manner' he doesn't want us to question him, we must stop. But if he 'indicates in any manner' he wants to confess, shouldn't our system of justice let him? Does the Constitution require us to provide a lawyer to clamp a hand over a suspect's mouth at the moment he's most willing and talkative?"

All across America police are so powerless criminals are thumbing their noses at the law. In Philadelphia, two-thirds of the suspects read the Miranda rule and refuse to answer questions. Amid growing homicides, Chicago's police have experienced a 50 per cent drop in the number of confessions and statements they obtain from arrested suspects. New York's police, unable to question suspects, have seen unsolved murders climb to a record high.

COURTS BURDENED

Two University of Pittsburgh law professors found that the proportion of robberies the Pittsburgh detective bureau was able to solve fell by almost a third in the first 13 months after Miranda. The proportion of suspects making statements in homicides, robberies, burglaries and rapes dropped by almost half; the two researchers estimated that confessions would be necessary for conviction in about a fifth of such cases. Nationally, the FBI reports that in 1968 the police rate of solving the seven most serious felonies fell a shocking 15.8 percent below the 1964–5 (pre-Miranda) clearance rate, while their rate of solving robberies plunged 26.8 percent.

Worse, Miranda has thrown a catastrophic burden on our already clogged courts, as judges must spend days listening to lawyers wrangle and "trying the police" over proffered confessions. The Massachusetts Supreme Court protested in March 1969 that a single 10-day trial spent half the time, occupying 500 of the 1004 transcript pages, taking evidence on the Miranda warnings. Such cases amply demonstrate "why there is heavy and constantly increasing congestion in the jury trials of criminal cases," the Massachusetts judges complained. With trials growing longer and rates of appeal climbing toward 100 percent, orderly administration of criminal justice is becoming impossible because memories fade, witnesses die or move away, and criminals roam free on appeal bonds.

Congress already has moved timidly and ineptly to dilute the Supreme Court's absolutist interpretation in the Miranda case. As part of the 1968 Omnibus Crime Bill Congress ordered that no federal judge shall exclude a confession deemed otherwise voluntary solely because police interrogators fail to give the full warning commanded by the Supreme Court. Attorney General John Mitchell has announced that federal policy will continue to be to give the full Miranda warning, but if officers inadvertently fail to do so and confessions are otherwise "voluntary" federal prosecutors will attempt to introduce them in evidence.

Declares the Justice Department policy memorandum: "Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated, but not where a protective safeguard system suggested by the court has been violated in a particular case without affecting the privilege itself."

But the 1968 Congressional act applied only to federal courts. Congress did nothing to relieve state courts of the worst effects of the Supreme Court's inflexible exclusionary rule. And yet it is the states that must deal with violent street crimes where police interrogations are frequently essential, a type seldom seen in federal courts. It is also in the area of state criminal proceedings that the Congress has the clearest constitutional mandate to prescribe procedural rules and require the Supreme Court to respect them. The Fourteenth Amendment, from whose due process clause the court claimed power to apply its Miranda rule to the states, clearly declares: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Responsible voices across the nation have called for amending the Fifth Amendment to undo the damage done by absolutist Supreme Court interpretations. In November 1968, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit, one of the nation's most scholarly jurists, declared that the court under Chief Justice Warren "has pressed the amendment far beyond anything that went before" so that it "seriously impedes the state in the most basic of all tasks, to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

"MUSCLE OR BOOT"

Attorney Percy Foreman, renowned defender of 750 murder defendants, startled a Senate Constitutional Amendments Subcommittee by proposing such a change. Too many criminals would go free unless judges or magistrates could question them under non-coercive circumstances, say Foreman: "Justice does not mean that every defendant should be acquitted. It means nobody should be coerced to testify against himself by the muscle or boot of the constabulary."

Says Chairman Birch Bayh of the Senate Subcommittee on Constitutional Amendments: "It's inconvenient to sit in the police station and answer questions. It's also inconvenient to sit on a jury, to register and vote, to pay taxes or serve in the Army. If you are a suspect in a police case, interrogation is an inconvenience that is the price of citizenship and civilization."

Seven members of President Johnson's National Crime Commission, including three past presidents of the American Bar Association, declaring that Supreme Court decisions have drastically tilted the scales of justice "in favor of the accused and against law enforcement and the public," have recommended amending the Fifth if necessary to restore the balance. So have House Minority Leader Gerald Ford and former Republican presidential nominee Thomas E. Dewey, who launched his career as as an outstanding pioneer prosecutor of organized crime.

But we do not need to amend the Fifth Amendment. We need only restore it—to the balanced, very limited common-sense rule the framers actually elevated into our Constitution. President Nixon's recommendation that Congress pass a new general testimonial immunity statute (S. 2122, introduced by Senators Hruska, McClellan and Ervin) is a fair-minded and courageous beginning, and our elected representatives have ample constitutional authority to act without resort to the cumbersome amending process.

Article I emphatically empowers Congress "to make all laws which shall be necessary and proper for carrying into execution all powers vested by this Constitution in the government of the United States." Article III further empowers Congress to make "exceptions and regulations" to the Supreme Court's appellate jurisdiction. And finally the 14th Amendment specifically names Congress the guardian of the constitutional rights it creates.

NO "IMMUNITY BATH"

S. 2122 would limit the privilege of silence to criminal suspects at their own trial, as was clearly the purpose of the Fifth Amendment's authors. As proposed originally last March by the National Commission on Reform of Federal Criminal Laws, appointed during the Johnson Administration and chaired by former California Gov. Pat Brown, the new statute would apply to congressional hearings and to all cases involving violations of federal law.

A witness not on trial himself for a crime would be compelled to testify even after claiming his testimony might incriminate him, but he would be granted immunity from having his compelled testimony or other proof it revealed used as evidence of his offense in any later prosecution. But he would not, as under present laws, receive an "immunity bath" against prosecution on the basis of other independent evidence.

Once investigators identified individuals involved in any criminal conspiracy, prosecutors could hale them before a grand jury or judge, grant testimonial immunity, and force them to choose between going to jail for criminal contempt of court and identifying and testifying against other partners-in-crime. Thus prosecutors could pry apart conspiracies and use the small fry to convict the big fish. As Attorney General Nicholas Katzenbach in 1966 told Congress in pleading for a broader immunity statute, "we cannot make progress in fighting organized crime other than by getting the testimony of people involved." By protecting the silence of subordinates as investigators try to trace organized crime to the men who direct it, "we are authorizing protection of the people within the organization."

One thing is clear: Congress must act, and soon. "It is one of the misfortunes of the law," said Justice Oliver Wendell Holmes, "that ideas become encysted in phrases and thereby for a long time cease to provoke further analysis." But today evidence is inescapably mounting that we have indeed added too many stories to the temple of justice and that millions of innocent citizens are suffering as respect for law crumbles under the weight. The beauty and simplicity of those 15 words of the Fifth Amendment is that they said what they meant. President Nixon's proposal gives Congress an unprecedented opportunity to move toward restoring that meaning.

SECRETARY PACKARD IS NOT A PROFITEER

Mr. BYRD of Virginia. Mr. President, news dispatches published February 7 disclosed that the value of stock placed in trust by Deputy Defense Secretary David Packard increased in value by 20 percent during the past year.

The article stated that the value of Mr. Packard's holdings increased $62 million, from $301 to $363 million.

I believe it is important to point out that Mr. Packard will not realize a cent

of profit—not 1 cent of profit—from the increased value of his stock.

Under the agreement which he worked out at the time of his confirmation hearings before the Senate Committee on Armed Services, increases in the value of the stock will accrue to a charitable trust and not to Mr. Packard.

Mr. Packard made a considerable sacrifice to qualify for the high office he holds. It is important that we be vigilant about the finances of public officials. But it is only fair that we should give credit to those who have made sacrifices to free themselves of possible conflict of interest.

The Nation is fortunate to have a man of Mr. Packard's exceptional ability and high integrity in the very difficult position of Deputy Secretary of Defense.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of Virginia. Mr. President, I strongly support the amendment offered by the Senator from Mississippi (Mr. STENNIS). It asserts two principles that I think are sound and eminently fair; namely, that there shall be no compulsory busing to achieve racial balance, and that parents shall have the ultimate right to determine where their children go to school.

I wish to commend President Nixon for the administration statement of last week declaring that the President "has consistently opposed, and still opposes, compulsory busing of children to achieve racial balance."

The President is also to be commended on his statement that the law should be applied equally in all the States of the Nation.

If busing children to achieve racial balance is wrong in the North, it is also wrong in the South. And it is wrong, because it is harmful to schoolchildren and their parents.

I hope that President Nixon will take the next logical step and order the Department of Health, Education, and Welfare to stop insisting on busing southern students across cities and counties.

In recent years, the courts have accepted an unsound and legalistic theory which maintains that southern segregation is somehow different from northern segregation. This theory is based on a strained reading of history, and in my view, it is false and pernicious.

U.S. District Judge Walter E. Hoffman, of Norfolk, Va., succinctly put the matter in focus when he said in a recent case involving the schools of that city:

> We cannot believe that the Constitution may be interpreted one way for a group of states, and still another for the remaining states . . . . The same Constitution must apply to all 50 states.

At this time, I also wish to pay tribute to the Senator from Connecticut (Mr. RIBICOFF) for his courageous speech of last week. Senator RIBICOFF rightly denounced busing as cruel and harmful to young schoolchildren and their parents. He is the first northern liberal to make so forthright a statement, and he deserves praise for so doing.

For too long now, the public schools of this Nation have been laboratories for misguided sociologists.

It is time that the public schools be permitted to get away from sociological theory and back to education. That is what the schools are all about.

Mr. President, I ask unanimous consent that an editorial from the Norfolk, Va., Ledger-Star of February 13, 1970, entitled, "Applying the Law Evenly," be printed in the RECORD at the conclusion of my remarks. Mr. William H. Fitzpatrick is the editor of the Norfolk Ledger-Star.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPLYING THE LAW EVENLY

The effect of a long series of court decisions, in the period of national trauma which began with the school ruling of 1954, has been to sweep away the web of Southern laws prescribing racial separation.

Yet while this has put the remaining segregation in the South on the same basis by which it is supported elsewhere in the country—by residential patterns, social custom and individual attitudes—the courts and the federal government have continued to proceed as though the problem were exclusively Southern.

Until now voices from the South, raised in criticism of the policies and legislation which single out this region, have been discredited. Persisting in their hypocrisy, Northern politicians, who for years have made easy capital of their remote victim, have consistently brushed-aside any reminders of the situation in their home constituencies. They have scoffed at any attempts to make them deal with their own problems as mere diversionary strategy by the South.

Now, within the space of a few days, have come two non-Southern statements, each carrying a special weight of its own, calling for a more equitable federal approach to the whole question.

The most recent was the White House memorandum of yesterday, in which President Nixon opposed the busing of students away from their neighborhood schools, and in which he advocated the same school desegregation rules for the North as for the South.

This followed a surprising bit of candor only a few days earlier from the Northern sector itself, a statement by Senator Ribicoff which similarly declared that other regions of the country should be treated no differently from the South in the matter of racial desegregation.

The Connecticut liberal's call for the North to abandon its two-facedness on the race question was an act of political courage. And while the even-handed application of court rulings, the law, and federal executive orders which he called for may have been put in some practical jeopardy by the effusive praise from the South, he may well have jolted some consciences and some minds.

There is hope also that this exposure of the North's self-serving righteousness, along with Mr. Nixon's prodding, may have started the country edging back toward Constitutional sanity. That is, back toward the only position this nation can ultimately tolerate: the adoption and enforcement of federal policies—good, bad, indifferent—which deal with all parts of the United States in exactly the same way.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with Calendar No. 10.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated, as requested by the Senator from West Virginia.

AMBASSADORS

The bill clerk read the nomination of Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Mr. BYRD of Virginia. Mr. President, I rise to urge the confirmation of the nomination of Dr. Jerome H. Holland to be Ambassador to Sweden.

Dr. Holland is a citizen of Virginia. He has served a good many years as president of Hampton Institute at Hampton, Va. He is highly regarded by his associates in the field of education. He is highly regarded by the people of the community in which he has been living, on the peninsula of Virginia, Hampton and Newport News.

Dr. Holland is a man of ability. He is a tolerant man. He is one who, although not a professional diplomat, is likely to bring high achievement to the office to which the President has nominated him.

I am pleased today, on the floor of the Senate, to commend Dr. Jerome H. Holland and urge the Senate to confirm his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden. [Putting the question.]

The nomination was confirmed.

The assistant legislative clerk read the nomination of Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President of the United States be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NOMINATION OF JUDGE G. HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to a recent letter to the editor of the Washington Post concerning the nomination of Judge Carswell for Associate Justice of the Supreme Court. It reads in part:

> In a decade when substantial numbers of cases before the Supreme Court will involve civil rights, school desegregation and the like, it seems to me to be sheer insanity to place on the bench a man who in a normal trial situation would be subject to disqualification from hearing a case because of his partiality.

Mr. President, unfortunately the position taken in this paragraph is typical of that currently being adopted by many opponents of the President's nominee. Judge Carswell has repudiated without qualification his campaign rhetoric of 28 years ago and most fairminded persons are convinced of his sincerity.

What bothers the professional liberals is not that they think the judge may be biased or prejudiced against the case of forced integration in the South, Mr. President; nor are they content with mere impartiality on that issue. Rather, they will apparently be satisfied with no less than a man whose record and background assures them that he will be 100 percent committed to their philosophy and their own views of what the Constitution means when the issue is brought before the Court.

In this country we have a right to insist that our judges be absolutely fair in the disposition of cases before them. They should be in a position to hear a case with an open mind and to render a decision on the basis of their interpretation of the applicable law, unswayed by effects of background or personal prejudice.

Mr. President, Judge Carswell has shown a large majority of the members of the Judiciary Committee that he possesses these qualifications. He was approved today by the Judiciary Committee by a 12 to 4 vote with one abstention. Moreover, he has convinced the President and the American Bar Association that he is a man of integrity and professional competence, and this should not be taken lightly.

The writer alleges, as do many others, that Judge Carswell "would be subject to disqualification—because of his partiality." Mr. President, I have never heard any of these same people contend that Mr. Justice Marshall should disqualify himself in cases involving Negro rights. As we know, he was for many years the chief advocate for the NAACP. Indeed, he argued the original 1954 desegregation case before the U.S. Supreme Court on their behalf.

What about Mr. Justice Douglas on cases involving antiwar protests or draft resisters? His views on this subject are well known and widely publicized. Former Justice Goldberg was a prominent and successful labor lawyer before his elevation to the Court. Were there any claims from these people that this should prevent him from being confirmed? I did not hear any.

Mr. President, just as we expect our judges to be fairminded and reasonable, so should we likewise be fair with them. Let us give Judge Carswell a resounding vote of confidence when we confirm him within several weeks. We will be rendering a great service to our Court and to the country as well.

PRIVILEGE OF THE FLOOR DURING THE CONSIDERATION OF CERTAIN RESOLUTIONS TODAY

Mr. BYRD of West Virginia. Mr. President, during the afternoon the Senate will be considering various money resolutions on the calendar.

I would ask the Chair to instruct the Sergeant at Arms to require staff members who are on the floor to stay in their seats at the rear of the Chamber.

I recognize that when the various money resolutions come before the Senate, a great number of technical personnel and staff members will be required to assist their Senators at the time their respective resolutions are being considered.

I would suggest that the Sergeant at Arms—and I would hope that the Chair would so instruct him—keep off the floor staff members who are not at the particular time needed by their Senator to discuss the specific funding item for their committee. They may stay away from the lobby and may sit in the staff gallery until the resolution is before the Senate in which their Senator is interested and concerned, and when the Senator needs their help, they can then come to the floor.

I believe it would be deleterious to the decorum of the Senate if all staff members involved in the consideration of all the resolutions which will come before the Senate were to be permitted to come to the floor or remain in the lobby at one and the same time.

The PRESIDING OFFICER. The point is well taken and the Chair so instructs the Sergeant at Arms, in accordance with the request of the distinguished Senator from West Virginia.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

ORDER FOR CALL OF THE CALENDAR AT CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the Senate proceed to the call of the calendar under rule VIII, beginning with Calendar No. 659.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF DIRECTOR OF THE BUREAU OF THE BUDGET

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that a detailed discussion of the limitation on budget outlays in fiscal year 1970 is found in the 1971 Budget of the United States (pages 46–50); to the Committee on Appropriations.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army (R. & D.) transmitting, pursuant to law, a report on Department of Army Research and Development contracts, for $50,000 or more, which were awarded during the period July 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for certain maritime programs of the Department of Commerce (with accompanying papers); to the Committee on Commerce.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, a report covering the operation of the District of Columbia National Guard Armory and the Robert F. Kennedy Memorial Stadium, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF UNITED STATES TARIFF COMMISSION

A letter from the Chairman, United States Tariff Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable aspects concerning information presented to the Congress on construction and operation of the San Luis Unit, Central Valley project, Bureau

of Reclamation, Department of the Interior, dated February 12, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Office of Coal Research covering activities undertaken during the first full year of this administration, dated 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF BOYS' CLUBS OF AMERICA

A letter from the National Director, Boys' Clubs of America, transmitting, pursuant to law, an audited financial report of the Boys' Clubs of America, for the 9 months ended September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AMEND THE PUBLIC HEALTH SERVICE ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet licensing requirements of this section (with an accompanying paper); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO AMEND THE PUBLIC HEALTH SERVICE ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and improve the Public Health Service Act to aid in the Development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and area-wide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT ON BIG SOUTH FORK CUMBERLAND RIVER

A letter from the Secretaries of Interior, Agriculture, and Army, transmitting, pursuant to law, a report on possible alternative uses of the resources of the Big South Fork of the Cumberland River, Kentucky and Tennessee, dated December 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Five resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE EXEMPTION FOR DEPENDENTS ON THE PERSONAL INCOME TAX

Whereas, The cost of the necessities of life in this country has risen to an all-time high; and

Whereas, The current tax structure of this nation requires substantial deductions from the earnings of the people of this nation; and

Whereas, An increase of the exemption for each dependent on the personal income tax to one thousand dollars would tend to relieve such conditions; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the exemption for a dependent on the personal income tax to one thousand dollars; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, January 28, 1970.

WALLACE C. MILLS, *Clerk.*

Senate, adopted in concurrence, February 2, 1970.

NORMAN L. PIDGEON. *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION WHEREBY SOCIAL SECURITY BENEFITS SHALL BE COMPUTED ON THE BASIS OF THE 10 HIGHEST YEARS OF THE WORKER'S EARNINGS

Whereas, a substantial portion of the people of this nation depend to a large extent upon the monthly payments received by them under the social security program; now, therefore, be it

Resolved, that the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation whereby social security benefits shall be computed on the basis of the ten highest years of the worker's earnings; and be it further

Resolved, that copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 21, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 26, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE AMOUNTS OF MINIMUM MONTHLY PAYMENTS UNDER THE SOCIAL SECURITY ACT

Whereas, the cost of the necessities of life in this country has risen to an all time high; and

Whereas, a substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security Act; and

Whereas, the current minimum monthly payments under said program have now become grossly inadequate for their needs; and

Whereas, an increase of such minimum payments to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple would tend to relieve such conditions; now, therefore, be it

Resolved, that the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the minimum monthly payments under the Social Security Act to one hundred and fifty dollars per month per person and two hundred and fifty dollars per month per married couple; and be it further

Resolved, that copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 22, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 27, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO INCREASE THE PENSIONS OF THE VETERANS OF WORLD WAR I

Resolved, That the General Court of Massachusetts hereby urges Congress to enact legislation to increase the pensions of the Veterans of World War I; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

Senate, adopted, January 26, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 28, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REMOVING THE RESTRICTION ON THE AMOUNT OF INCOME A PERSON MAY EARN WHILE RECEIVING SOCIAL SECURITY BENEFITS

Whereas, Under present law persons receiving social security benefits are not permitted to earn more than sixteen hundred and eighty dollars in any one year without a decrease in their social security payments; and

Whereas, Many persons receiving such payments are totally dependent upon them for their living expenses; and

Whereas, The cost of living has increased substantially so that said social security benefits are totally inadequate; and

Whereas, The removal of the restriction on the amount of income a person may earn while receiving social security benefits will enable such persons to retain their self-respect; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation removing the restrictions on the amount of income a person may earn while receiving social security benefits; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, January 22, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, January 27, 1970.

WALLACE C. MILLS, *Clerk.*

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

The petition of Woodrow W. Bussey, of Oklahoma City, Okla., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S.J. Res. 127. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971 (Rept. No. 91–704); and

H. Con. Res. 454. Conccurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front (Rept. No. 91–705).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" (Rept. No. 91–703).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE (for himself and Mr. RUSSELL):

S. 3435. A bill to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; to the Committee on Banking and Currency.

By Mr. TYDINGS:

S. 3436. A bill for the relief of Mrs. Raffaelina Stinga Miramare; and

S. 3437. A bill for the relief of Mrs. Iris C. Nash; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself and Mr. TYDINGS):

S. 3438. A bill to authorize the Commissioner of the District of Columbia to enter into agreements for the construction on real property belonging to the government of the District of Columbia of buildings for combined District government and private uses, and for other purposes; to the Committee on the District of Columbia.

By Mr. JAVITS:

S. 3439. A bill for the relief of Miss Paola Modotti; to the Committee on the Judiciary.

By Mr. BAYH:

S. 3440. A bill for the relief of Fernando de la Rama and Carmen de la Rama; to the Committee on the Judiciary.

By Mr. McGEE:

S. 3441. A bill to establish the Bridger National Recreation Area in the State of Wyoming; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S. 3442. A bill to increase the availability of funds for the financing of urgently needed housing, to authorize the establishment of standards governing the amount of settlement costs allowable in the financing of federally assisted housing, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. PROUTY, Mr. MURPHY, Mr. SAXBE, Mr. BROOKE, Mr. GOODELL, Mr. DOMINICK, Mr. SCOTT, and Mr. SCHWEIKER):

S. 3443. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health-care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health-care delivery, encouraging experimentation in the development of cooperative local, State or regional health-care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3444. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3441—INTRODUCTION OF A BILL TO ESTABLISH THE BRIDGER NATIONAL RECREATION AREA IN THE STATE OF WYOMING

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to establish the Bridger National Recreation Area in the State of Wyoming, and for other purposes.

Tourism and recreation constitutes one of the most rapidly growing industries in America. In Wyoming and the Rocky Mountain West, the approach of a new age of tourism is far more explosive even than the national trends. The lure of the mountains and the majesty of the big sky are bringing everyone to our part of the world and yet even now we are way behind in our facilities and abilities to accommodate this new wave of tourism and recreation.

Partly with that in mind, I am today introducing a bill that would create the Bridger National Recreation Area in Wyoming. This area contains approximately 200,000 acres and lies in the upper reaches of the scenic Green River. It borders on the Bridger Wilderness Area, and is entirely within the Bridger National Forest.

The formal designation of this area as a national recreation area, under the administration of the Secretary of Agriculture and the Forest Service, would make many facilities and many recreational opportunities available to all of the people who come west to see the great sights of nature.

In taking this important step we think that this conforms with President Nixon's request for another look at quality living and quality environmental control. For in this very area we have problems of pollution and devastation of mountainsides of timber, already in jeopardy because of some of the current policies of the Forest Service.

And so this combination of factors makes it wise in my judgment to recommend the creation of the Bridger National Recreation Area with a view toward the conservation of scenic, scientific, historic and other values contributing to public enjoyment of the lands, waters and resources to be found in this area presently and for future generations.

My bill would direct the Secretary of Agriculture to administer this area in such a manner as to best provide for: First, public outdoor recreation; second, conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and third, the management, utilization, and disposal of natural resources in such a way that will promote or be compatible with the primary purposes for which the recreation area is established.

I want to especially emphasize that my bill specifically provides for the multiple use concept for the utilization of the natural resources to be found there, including pastoral and grazing uses and other vested rights. Likewise, consistent with recent legislation that passed the Senate, this bill specifically preserves to the State of Wyoming the jurisdiction and responsibility of administering activities under State laws with respect to hunting and fishing.

The Secretary of Agriculture will manage, utilize, and dispose of natural resources as long as this does not significantly impair the purposes for which the recreation area is established. Hunting, fishing, and trapping will be permitted within the recreation area in accordance with applicable Federal and State laws. However, the Secretary will be able to designate areas where and establish periods when no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or public use or enjoyment.

The lands within the recreation area will be withdrawn from location, entry, and patent under the U.S. mining laws. However, minerals may be leased by the Secretary of the Interior, provided the Secretary of Agriculture finds it would not adversely affect administration of the recreation area. All leases would be subject to the consent of the Secretary of Agriculture and to such conditions as he may prescribe.

The rights of Wyoming to exercise civil and criminal jurisdiction within the recreation area, and the right to tax, would not be affected by this bill.

Mr. President, thousands of people have already been attracted to this scenic wonderland. In the very near future we anticipate overflowing crowds at nearby Yellowstone and Grand Teton National Parks, especially during the 100th anniversary of Yellowstone National Park in 1972. This bill will aid in the timely development of this area to meet the pressing demands of the American public for superior recreational opportunities. I urge its prompt enactment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3441) to establish the Bridger National Recreation Area in the State of Wyoming, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3442—INTRODUCTION OF A BILL ENTITLED "MORTGAGE CREDIT ACT OF 1970"—NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee

will hold hearings on S. 2958 and S. 3442, commencing on March 2.

Testimony will be heard on my bill, S. 2958, which would authorize the Federal National Mortgage Association to purchase conventional mortgages, and also on my bill, S. 3442, which I introduced today to carry out the recommendations in the report of the Commission on Mortgage Interest Rates to the President of the United States and to the Congress in August 1969. In introducing this bill, I am acting to carry out the recommendations of the Commission. Although I was a member of the Commission, I did not agree with all of the Commission's recommendations, nevertheless, I believe it important that the full Commission's recommendations be submitted to the Congress for appropriate consideration.

The hearings will be held in room 5302, New Senate Office Building, March 2 through March 6, 1970, beginning at 10 a.m. each day. Persons wishing to testify should contact Miss Doris Thomas, room 5226, New Senate Office Building, telephone 225–6348.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3442) to increase the availability of funds for the financing of urgently needed housing, to authorize the establishment of standards governing the amount of settlement costs allowable in the financing of federally assisted housing, and for other purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3444—INTRODUCTION OF NATIONAL LAKES PRESERVATION ACT OF 1970

Mr. NELSON. Mr. President, I am introducing today the National Lakes Preservation Act which would establish a national lake areas system to preserve the major U.S. lakes for future generations.

The precedent for this legislation has been established many times. We have established the Redwoods National Park and other national parks, created national seashores on Cape Hatteras and Cape Cod, established the national wilderness system and taken measures to protect primitive or little developed rivers as part of a national wild and scenic rivers system.

With these measures we recognize the principle that there are certain natural resources whose value must be protected and carefully managed for future generations. We have acknowledged this principle with our protection of mountain areas, seashores, rivers, and other unique features of our country.

It is more than time we afforded this same protection to such bodies of water as Lake Superior whose purity, scenic beauty, geology, history, and potential usefulness qualify them as resources well worth preserving.

The Great Lakes chain, of which about 60 percent lies in the United States, covers an area of over 95,000 square miles, holds 5,500 cubic miles of water, and includes 10,333 miles of shoreline.

In addition to the Great Lakes, there are in the United States 250 natural lakes with a surface area of 10 square miles or more, 20 major saline lakes, and many large reservoirs.

The estimates of population growth and industrial expansion insure that demands on these lake areas will increase dramatically. Our lakes must be protected and must remain accessible to the public.

Yet, present trends reveal that shore property is less and less open to the public. Former Secretary of Interior Udall reported that only about 5 percent of the total shoreline of the Nation's largest 250 lakes is government property. The remaining 95 percent is privately owned.

Public ownership of the United States shoreline of the Great Lakes is somewhat higher. Federal, State, and local governments own 19 percent of the shoreline. But much of this land has been engulfed by the large cities and is not available for recreational purposes.

Private ownership is directly related to the problems of lake deterioration. Certainly there are notable exceptions to this formula. In general, however, the greater the private ownership along the frontage of a lake, the more likely it is that the lake will have deterioration problems.

Tragically our lakes are in every bit as great a danger as any other of this Nation's once magnificent and seemingly limitless resources. Pollution from all directions threatens our lakes with high-speed deterioration. A process which naturally would take centuries, perhaps even milleniums, is being sandwiched into the short period of a few years as pollution by pesticides, oil, detergents, industrial waste, sewage, silt, agricultural fertilizers, and probably by sources we have yet to recognize exacts its toll.

Lake Erie is dying. Lake Michigan is seriously polluted. Thousands of smaller lakes across the country become so thick and murky with algae each summer that they resemble pea soup. And now, even Lake Superior is threatened.

Everything that these lakes are and could be will face almost certain destruction unless we act to halt the present trends.

The Great Lakes represent the greatest fresh water resource in the world. Farsighted people speculate that some time in the future, the Great Lakes may be used as a tremendous fresh water reservoir for the Eastern United States. Another proposal suggests that water might be diverted from James Bay into the Great Lakes where it would be stored and ultimately distributed across the country. Farfetched speculation? Possibly. Nevertheless these suggestions indicate a future dependency on the continuing usefulness of the Great Lakes.

It goes without saying that the Great Lakes and the smaller inland lakes represent tremendous resources in terms of recreational facilities and sport and commercial fishing. They also breed and support a wide variety of plant, animal, fish, and bird life.

Their functions are multiple; to list their usefulness in any form of completeness is both impossible and unnecessary. Suffice it to say that if these lakes are not given the proper care and attention, they will become little more than stinking cesspools, devoid of animal and plantlife and of little use to man.

Pollution is a key problem. But the setting of strict water quality standards and the elimination of present sources of pollution are only part of the task before us.

Standards for land quality are as essential as the standards for water quality which our pollution control program is establishing. A comprehensive shoreline and lake use management policy is imperative.

This bill would establish such a policy by providing for action at the Federal, State, and local levels to protect such lakes as Lake Superior, Lake Tahoe in Nevada and California, Lake-of-the-Woods in Minnesota, Great Salt Lake in Utah, Lake Winnebago in Wisconsin, and Lake Champlain in New York and Vermont.

The Secretary of the Interior would be directed to conduct a nationwide study to determine what areas should be included in the national lake areas system which this bill would establish. He would also appoint an advisory commission to make recommendations to him regarding inclusion of areas in this system.

Particular attention would be given to the role of State and local governments in this system. The Secretary is directed to encourage State and local governments to adopt master plans and zoning ordinances consistent with the purposes of this legislation and is authorized to provide technical and financial assistance to State and local governmental units for such plans in cooperation with other Federal departments such as the Department of Housing and Urban Development.

The bill also directs the Secretary to support, assist, and encourage programs in lake area research. This would not be limited to scientific studies but would include economic, legal and social studies. The Secretary is also instructed to work with colleges and universities to train undergraduate and graduate students in fields related to problems in lake preservation and development.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3444), to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Lakes Preservation Act of 1970".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that the Great Lakes and other lakes of the United States are rich in a variety of natural, commercial, recreational, and esthetic resources of incalculable value to the present and future development of the Nation; that the resources of these lakes are being damaged by pollution from commercial, urban, and agriculture installations and developments along their shores, and from vessels plying their waters; that the damage being inflicted on these lakes is rapidly becoming worse and may soon be permanent and irreversible in some cases; that there is a serious lack of knowledge regarding many aspects of natural phenomena in lakes and lake areas; and that the purposes of this Act therefore are to preserve, protect, develop, and restore the Great Lakes and other lakes of the United States; make accessible for the benefit of all the people selected parts of the Nation's lakes which are valuable for fishing, hunting, conservation, recreation, and scenic beauty; and establish, support, and encourage programs of lake and lake area research, and for the training of scientists in fields relating to such research.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "lake" means an inland manmade or natural body of fresh water and its sources which is standing and surrounded by land, flowing and occupying a substantial widening in the course of a river, or standing or flowing in a reservoir or impoundment in at natural or artificial basin; and

(b) the term "lake area" means an environmental system consisting of a lake and those transitional areas which are constantly influenced or affected by water from a lake such as, but not limited to, marshes, embayments, lagoons, inshore waters, channels, and stream and river estuaries.

TITLE I—NATIONAL LAKE AREAS SYSTEM

ESTABLISHMENT OF SYSTEM

SEC. 101. There is hereby established a National Lake Areas System (hereinafter referred to as the "System") composed of both federally administered lake areas established in accordance with law enacted after the enactment of this Act, and lake areas administered by the States or their political subdivisions and designated as part of the system pursuant to section 106 with the approval of the Secretary of the Interior (hereinafter referred to as the "Secretary"). The System shall include lake areas so established or designated on the Great Lakes, and on other lakes of substantial size and national importance, which are (1) relatively unspoiled or undisturbed by the technological advances of man, including, but not limited to, pollutants, and (2) areas that are partially spoiled or disturbed by such advances but should be protected from further adverse effects.

STUDY OF LAKE AREAS

SEC. 102. (a) The Secretary, in consultation with the States and other Federal agencies, shall conduct a nationwide study of lake areas for the purpose of identifying areas which should, in the national interest, be included in the System. The Secretary shall in making such study consider, among other things, all the resource and scenic values of such areas, their economic and recreational potential, their ecology, navigation, flood, and erosion control, the present and future urban, agricultural, and industrial effects on such areas, other uses of the lakes, and the most appropriate means or methods of preserving or protecting such areas. Particular attention shall be given to whether such areas should be acquired by the Secretary because of their national significance, or by the States or by local subdivisions thereof, and whether such areas may be protected adequately through local zoning laws or other methods without Federal land acquisition. Such study shall be coordinated with the nationwide outdoor recreation plan formulated or in preparation pursuant to the Act of May 28, 1963 (77 Stat. 49), with any plan prepared and developed or in preparation pursuant to the Water Resources Planning Act (79 Stat. 244), and with statewide plans prepared or in preparation and found adequate pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). The Secretary shall from time to time submit recommendations to the President for inclusion in the System as a Federal lake area of any lake area he deems appropriate pursuant to this Act, and the President shall submit to the Congress such recommendations together with his recommendations with respect thereto. Recommendations made by the Secretary shall be developed in consultation with the States and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the States and agencies may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein each lake area is located, and (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of such lake area.

(b) In making the study provided for in this section, the Secretary shall give consideration to, among others, the lake areas including the following lakes: the Great Lakes; Lake Iliamna in Alaska; Lake Tahoe in California and Nevada; Lake Okeechobee in Florida; Kealepulu Lake in Hawaii; Bear Lake in Idaho and Utah; Lake Pontchartrain in Louisiana; Moosehead Lake in Maine; Lake Gogebic in Michigan; Lake-of-the-Woods in Minnesota; Flathead Lake in Montana; Lake Champlain in New York and Vermont; Lakes Oneida, Seneca, and Cayuga in New York; Upper Klamath Lake in Oregon; Reelfoot Lake in Tennessee; Great Salt Lake in Utah; Lake Washington in Washington; Lake Winnebago in Wisconsin; Yellowstone Lake in Wyoming; and the San Angelo and Twin Buttes Reservoirs in Texas.

(c)(1) There is hereby established a National Lake Area Advisory Commission, which shall, subject to the provisions of paragraph (3) of this subsection, be composed of nine members appointed by the Secretary.

(2) The members of the Commission appointed pursuant to paragraph (1) of this subsection shall serve for terms of three years, except that of the members first appointed three shall serve for terms of one year, three for terms of two years, and three for terms of three years, as designated by the Secretary at the time of appointment. The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(3) In addition to the other members of the Commission appointed by the Secretary pursuant to paragraph (1) of this subsection, there shall be on such Commission at the time action is taken with respect to any area at least two persons appointed by the Secretary to represent the State wherein such area is located pending final disposition of such action.

(4) Members of the Commission shall serve without compensation, but the Secretary may pay the expenses reasonably incurred by such members in carrying out their responsibilities under this subsection upon presentation of vouchers signed by the Chairman.

(5) It shall be the function of the Commission to consider each lake area proposed to be included in the System pursuant to this section and section 106, and to make recommendations thereon to the Secretary. The Secretary or his designee shall, from time to time, consult with the Commission with respect to the development and administration of the System.

LAND ACQUISITION

SEC. 103. (a) The Secretary may acquire lands and waters or interests therein within any Federal lake area authorized by Act of Congress to be included within the System by purchase with appropriated or donated funds or by lease, donation, or exchange, except that he shall not so acquire with appropriated funds any lands and waters or interests therein owned by a State or by any political subdivision thereof. The Secretary may also accept title to any non-Federal property in such an area and in exchange therefor may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(b) Any lands, waters, or interests therein which are acquired pursuant to this section shall be administered, managed, and developed primarily for the purposes of sport and commercial fishing, wildlife conservation, outdoor recreation, and scenic beauty, and for such other purposes as the Secretary determines are compatible with the purposes of this Act.

(c) Any Federal land located within a Federal lake area in the System may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the Secretary for administration as part of said area.

(d)(1) The Secretary shall encourage the several States and their political subdivisions to plan, acquire, develop, and manage lands within or adjacent to the System for recreation, fish and wildlife conservation, or other similar public purposes. Funds allocated to the States under the Land and Water Conservation Fund Act of 1965 shall be available for such planning, acquisition, and development.

(2) The Secretary shall encourage the several States and their political subdivisions to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private property within or adjacent to the System in a manner consistent with the purposes of this Act, and he is authorized to provide technical assistance to such States and subdivisions in the development and adoption of such plans and ordinances.

(3) The Secretary may refrain or agree to refrain from exercising his authority under this Act to acquire private property so long as he finds that with respect to such property there is in effect such a plan or ordinance which promotes the use and development of such property in a manner consistent with the purposes of this Act.

REGULATIONS GOVERNING USE OF FEDERAL AREAS

SEC. 104. (a) The Secretary is authorized to issue regulations governing the public use of Federal lake areas in the System administered by him. Such regulations shall be in accordance with the purposes of this Act.

(b) Any person who violates or fails to comply with any regulation issued pursuant to this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

OTHER FEDERAL AGENCIES

SEC. 105. In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to lake areas which

should be included in the System, and all project plan reports submitted to the Congress shall discuss any such potential and make recommendations thereon. The Secretary shall make specific studies and investigations to determine which lake areas within the United States shall be evaluated for such purpose in planning reports by all Federal agencies on potential alternative uses of the water and related land resources involved.

STATE DESIGNATED LAKE AREAS

SEC. 106. (a) The Secretary in cooperation with other Federal agencies shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Act of September 2, 1937 (50 Stat. 917; 16 U.S.C. 669 et seq.), relating to Federal aid in wildlife restoration, the Act of August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.), relating to Federal aid in fish restoration, the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4 et seq.), the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197; 16 U.S.C. 779 et seq.), and under title VII of the Housing Act of 1961 (75 Stat. 183; 42 U.S.C. 1500 et seq.), the need for and possibility of establishing lake areas on lands and waters owned or acquired and administered by them as part of the System. Any such area may be designated as a part of the System by the State in which such area is located, with the approval of the Secretary after determining that such designation is within the purposes of this Act. When approving such areas to be included in the System, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such designated areas. The lands or interests therein of any lake area included in the System by a State shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(b) There is authorized to be appropriated not to exceed $50,000,000 in any fiscal year to the Secretary for the purpose of transferring such amounts as he deems appropriate to Federal departments and agencies administering the laws cited in subsection (a) in order that additional grants pursuant to such laws may be made for the purposes of this section.

STATE JURISDICTION

SEC. 107. (a) Nothing in this Act shall restrict or extend such jurisdiction as the States now have with respect to water rights and laws, nor be construed as an express or implied claim or denial on the part of the United States as to exemption from State water rights or laws.

(b) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(c) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the System in accordance with the appropriate Federal and State laws, to the extent applicable, except that he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

AUTHORIZATION

SEC. 108. For the purposes of this title, other than section 106(b), there are hereby authorized to be appropriated $15,000,000 for the fiscal year beginning July 1, 1970; $30,000,000 for the fiscal year beginning July 1, 1971; $60,000,000 for the fiscal year beginning July 1, 1972; and thereafter such sums as are necessary for the implementation of the program herein authorized.

TITLE II—LAKE AND LAKE AREAS RESEARCH

SEC. 201. (a) The Secretary shall support, assist, nad encourage programs, including grants and contracts, of lake and lake area research, investigation, and experiments of both a basic and practical nature by Federal, State, interstate, and local government agencies; by universities, colleges, and research institutes; and by private organizations. Such research, investigation, and experiments may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; conservation and best use of available supplies of water; methods of increasing such supplies; preservation and restoration of the quality of water supplies; and economic, legal, social, engineering, recreational, biological, geographical, ecological, and other aspects of lake and lake area problems, having due regard to the varying conditions and needs of the respective States, and to water research projects being conducted by agencies of the Federal and State Governments.

(b) The Secretary, in conjunction with the programs authorized by the preceding section, shall encourage, assist, and establish programs, including grants and contracts, for research, investigations, and experiments with respect to fertilization, eutrophication, and related processes in lakes. Such research, investigations, and experiments shall extend not only to basic causes, processes, and effects, but shall include in addition methods and processes for reducing and eliminating algal growths from lakes, and for removing nutrients of various kinds from effluents, runoff water, ground water, and receiving waters.

(c) There are hereby authorized to be appropriated for the purposes of this section $75,000,000 for the fiscal year beginning July 1, 1970; and for each succeeding fiscal year.

RESEARCH AND TRAINING

SEC. 202. (a) The Secretary is authorized to arrange, through grants or contracts, with institutions of higher education for—

(1) fellowships or other training to provide graduate study for individuals in such fields as are appropriate and necessary for the purposes of this Act, including appropriate stipends and allowances for travel, subsistence, and other expenses such individuals and their dependents; and

(2) establishing or improving programs for advanced education and research in such fields, including costs of construction or alteration of necessary facilities for such programs and necessary equipment.

(b) There is authorized to be appropriated $35,000,000 for the fiscal year beginning July 1, 1970; and for each succeeding fiscal year for the purpose of this section.

ADMINISTRATION

SEC. 203. (a) The Secretary shall, after consultation with other Federal departments and agencies administering laws affecting the provisions of this Act, establish such rules and regulations as may be necessary to (1) carry out the provisions of this Act, and (2) coordinate programs pursuant to this Act with the provisions of such laws. The Secretary shall also make recommendations to such other Federal departments and agencies for any such coordinating action by them which will promote the purposes of this Act.

(b) For the purpose of carrying out the provisions of this Act the Secretary may acquire, establish, or construct such laboratories, field stations, monitoring stations, property (including land), equipment, and other facilities as may be necessary.

(c) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

(d) There is authorized to be appropriated for administering the provisions of this Act, in addition to other amounts authorized in this Act, $10,000,000 for the fiscal year beginning July 1, 1970; $15,000,000 for the fiscal year beginning July 1, 1971; $25,000,000 for the fiscal year beginning July 1, 1972, and for each succeeding fiscal year such amounts as may be necessary.

ADDITIONAL COSPONSOR OF A BILL

S. 1466

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New York (Mr. GOODELL) be added as a cosponsor of S. 1466, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and hold licenses for their stations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of my resolution, Senate Concurrent Resolution 41, urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENTS

AMENDMENTS NOS. 491 THROUGH 493

Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. GURNEY, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. RUSSELL, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, and Mr. BYRD of Virginia) submitted three amendments, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. ERVIN when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

REVISION OF DEFINITION OF THE TERM "CHILD" FOR PURPOSES OF VETERANS BENEFITS UNDER TITLE 38, UNITED STATES CODE—SUBMISSION OF AMENDMENT TO INCREASE PAYMENTS TO ORPHANS OF VETERANS WHOSE DEATH WAS SERVICE CONNECTED

AMENDMENT NO. 494

Mr. TALMADGE. Mr. President, today I am submitting for myself and for the distinguished chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare (Mr. CRANSTON) an amendment to modify two provisions of the dependency and indem-

nity compensation program. This program provides monthly benefits to widows and orphans of servicemen and veterans whose death was related to a military service.

The first provision of my amendment, Mr. President, would increase by 10 percent the monthly dependency and indemnity compensation payments to the children of deceased veterans when there is no widow entitled to benefits. The increase is identical to that approved by the Senate last year.

The second provision of my amendment involves certain widows who are denied dependency and indemnity compensation benefits under present law because their deceased husbands were insured under national service life insurance on a premium-free basis. My amendment would permit them to become eligible for dependency and indemnity compensation under certain specified circumstances.

Both of the provisions in my amendment passed the Senate last year when we acted on S. 1471, a bill I introduced to make major needed improvements in the dependency and indemnity compensation program. The House acted on S. 1471 at a time when we were deeply involved in the Tax Reform Act. Two provisions were dropped by the House in its action on the bill. In order not to delay increasing benefits to widows, we acceded to the House amendments and sent the bill on to the President.

I feel that both of these provisions deserve further consideration, and it is for this reason that I am introducing them as an amendment to H.R. 10106, a noncontroversial bill to modify the definition of "child" for veterans benefit purposes in cases involving adoption. It is my hope that the Subcommittee on Veterans' Legislation will again act on these provisions at an early moment.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 494) was referred to the Committee on Finance, as follows:

AMENDMENT No. 494

At the end of the bill add the following:

"SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"'§ 413. Dependency and indemnity compensation to children

"'Wherever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"'(1) One child, $88.

"'(2) Two children, $127.

"'(3) Three children, $164.

"'(4) More than three children, $164, plus $32 for each child in excess of three.'

"SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out '$29' and inserting in lieu thereof '$32'.

"(b) Subsection (b) of section 414 of such title is amended by striking out '$80' and inserting in lieu thereof '$88'.

"(c) Subsection (c) of section 414 of such title is amended by striking out '$41' and inserting in lieu thereof '$45'.

"SEC. 4. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting '(1)' immediately after 'unless', and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: 'or (2) the total amount paid to the widow, children, or parents of such veterans under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.'

"(b) The last sentence of section 417(a) of such title is amended by striking out 'preceding sentence' and inserting in lieu thereof 'first sentence'.

"(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

"SEC. 5. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

"Amend the title so as to read: 'An Act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.'"

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965, AS AMENDED—AMENDMENTS

AMENDMENTS NOS. 495 AND 496

TO PRESERVE AMERICA'S CULTURAL TREASURES

Mr. GOLDWATER. Mr. President, last week the House Select Subcommittee on Education concluded its hearings on legislation to extend the life of the National Foundation on the Arts and Humanities. The Senate's Special Subcommittee on the Arts and Humanities had completed its own series of joint sessions with the House group a week before.

This swift action and cooperative spirit by the respective committees bodes well for President Nixon's request that Congress renew the charter under which the National Foundation functions. I have been privileged to join as a sponsor of S. 3238, which would carry out the President's request, and I wish to announce my complete endorsement of both his proposals for an extension of the Foundation's term and an increase of the funds authorized for its programs.

In reviewing the arts scene in America and the Foundation's role in our cultural life, I must say that I have been impressed by the tangible, down-to-earth contributions that can be traced directly to the Foundation. The hallmark of this body has been its ability to foster the development of artistic activities naturally and freely across the United States without in any way dampening local initiative or private participation in the arts.

Historically, Americans have supported the arts by private, voluntary assistance coupled with help from local sponsoring agencies or groups. And, clearly, this source must continue to be the primary base on which the arts will stand.

Without an interest in and desire for exposure to the arts on the part of private citizens at the village, town, and regional level, the arts will be alienated from the very people whose lives they are intended to enrich. Without support from the private sector—without money from individuals, merchants, and manufacturers in the community at large; without private donations of time and efforts; and without the exploration, experimentation, and spontaneity that occur at the community level—the arts would become a stagnant, noncreative victim of cultural welfare.

But it is here, where the dangers of outside interference are greatest, that the National Foundation has performed with the highest distinction. Far from imposing a meddlesome, heavy hand over the arts scene, the Foundation has achieved a remarkable record of arousing, inspiring, and sustaining local activity and involvement in the arts.

The greatest achievement and strength of the National Foundation has been its ability to cultivate action in the arts by private individuals and groups and local governments to the highest point in American history.

The mere existence of the Foundation is directly responsible for an amazing growth in the number of State agencies devoted to the arts. In 1965, before the Foundation was established, there were only 15 statewide bodies concerned with the arts. Today, commissions or councils on the arts exist in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Before the Foundation was created, the amount of funds budgeted for support of cultural programs in most States was practically nil. Today every State appropriates sizable sums at least for the administration of a program in the arts.

These steps, in turn, have had a mushrooming effect. Community sponsoring groups and fundraising bodies have sprouted up all over the country in small towns and villages where live concerts, live art shows, and live theater have never been held before.

Larger areas have caught the spirit, too. Funds contributed, performances and exhibitions presented, and audiences reached have doubled and tripled in these areas as well.

Perhaps the best way I can bring home the immense improvement in the cultural climate that has occurred since the Foundation began its operations is to relate what has happened in Arizona.

By the time the new Arizona Commission on the Arts and Humanities was organized in mid-1966, 49 other States

and three territories had already established their own agencies devoted to the arts. But even during its initial year, the State commission showed promise of the surprising accomplishments which would follow.

In its formative months, covering the 1966–67 program year, the commission aided 32 events in 13 Arizona communities. For every $1 of assistance from the commission, nearly $3 extra was contributed by local sponsors and audiences. Thus, with an investment of $12,053 in Federal assistance, the Arizona commission was able to carry out a program of activities costing $44,149. This far exceeded the matching fund requirement which is called for by the Federal arts law.

Arizona's 1967–68 cultural program built upon this well conceived plan with a further expansion of efforts to bring the performing arts to people and places where there had been little or no opportunity to enjoy "live" events. It also tackled head on one of the most severe problems threatening the status and fate of live art by seeking to provide for year-round employment for persons engaged in the musical, theatrical, and dance professions.

Once more the results were nothing short of remarkable. The Federal grant for the 1967–68 season was raised to $39,383. The total local contributions more than doubled this sum, again far surpassing the required matching amounts.

The 1967–68 figures look like this: total cost of Arizona State commission programs rose from $44,000 to $124,000; total number of communities participating increased from 13 to 14; total number of events held jumped from 32 to 85; and total audience attendance went up from 17,000 to 46,000.

This growth pattern continued during the 1968–69 program year, with further strong emphasis on the establishment of new community projects and the development of self-sustaining local programs.

The Arizona commission has been particularly successful in fostering the growth of cultural activity where there was none before. For example, the commission can take credit for initiating the organization of new community symphony sponsoring groups in Casa Grande, Prescott, and Safford.

Also, the commission has aided sponsoring organizations in Glendale, Globe, and Yuma, making it possible for the Phoenix Symphony Orchestra to present concerts in each of these three communities, as well as the above-named ones. Since the Commission instituted its symphony program in 1967, two seasons of three concerts each have been held in Glendale and Prescott with over 5,500 people attending the performances.

The successful organization and strengthening of local organizations of this kind, which are working to bring concerts to their communities, is tangible proof that the National Foundation and State agencies are on the right track.

The Arizona commission has geared its program to the people. It seeks to engage the whole community in cultural activities. It strives to encourage the localities to increase their own patronage of the arts. And it is meeting these goals.

In other areas commission funds have helped the semiprofessional Arizona Civic Theater of Tucson to be able to employ a professional staff. Recently ACT presented eight plays, running from five to 10 performances of each. The company's 1969 season's attendance was in excess of 4,500.

In Phoenix, Actors Inner Circle is another semiprofessional resident company which receives partial support from the commission. It presents approximately 40 performances annually and joins in audience development projects by appearing before high school students.

One of the larger projects aided by the commission is the Flagstaff Summer Festival, which seeks to bring Arizonans outstanding national and international performers and artists and to use Arizona talent whenever possible. A typical festival schedule might offer 3 weeks of events, including a series of symphony concerts under Izler Solomon, a stand by the Ballet West, major art shows of works by Arizona artists and galleries, an exhibit of books relating to or printed in the Southwest, a program of film classics, and a Navajo craftsman show.

In short, the Arizona Commission on the Arts and Humanities, under the leadership of Lewis Ruskin, chairman, has proven its worth both to Arizona and to the communities to organize their own local arts councils and in seeding cultural activities across the State, both in communities where there was no institutional framework and in those where the resources were already present. The commission has acted as promoter, organizer, fundraiser, researcher, catalyst, clearinghouse, adviser, booking agent, and whatever else the occasion called for. It has done its work well with a very small budget and has proven its capacity to handle the job of administering a serious arts program.

Mr. President, I believe the Arizona commission's record is representative of the achievements of the other State bodies as well, and for this reason I want to give my full endorsement to the request adopted by the respective State art agencies for an appropriation to each State of not less than $100,000 per program year.

The vote taken in Washington at last summer's Federal-State conference held by the National Endowment for the Arts has not received much play in the news. But the States passed the resolution almost unanimously, with only four nays, and their proposal warrants our closest consideration.

A minimum allotment of $100,000 per State would add up to a Federal investment of slightly over $5 million instead of the currently proposed $4.125 million for State art grants. The excellence of State agency operations, backed up in every State by almost 1,000 experienced persons who donate their efforts, funds, and time, is solidly established. The record of a tremendous rate of return for each dollar spent by the States is also clearly made.

Therefore, as one of two amendments which I submit today, I ask that the Senate consider inserting new language in section 11(a) of the 1965 arts and humanities law to provide a minimum arts program grant to each State of $100,000.

The change will necessarily mean either a corresponding drop in the total funds allotted for grants to groups or a corresponding increase in the overall amount appropriated to the Foundation. I wish to make it clear that I support the latter course.

Since many of the general grants are made to assist regional programs which are administered in cooperation with State agencies, such as the coordinating dance residency program for one and the music and dance programs of the Federation of Rocky Mountain States for another, I feel that it is appropriate to preserve the current balance between grants to groups and grants to States. If we reduce the sums programed for general grants, we will be cutting off funds that now benefit the States just as directly as if their own State agencies had spent them.

But in addition to the many worthwhile regional programs, which I hope the newly appointed Chairman of the National Arts Council will promote most vigorously, I recognize that there are also some instances where large scale projects of national importance exist that are beyond the capabilities of a single State agency to finance. A major symphony orchestra or museum fall into this category. Thus, in order to allow the National Foundation to retain an ability to finance occasional large scale projects and to continue with its aid to regional programs, I suggest that Congress keep this portion of the Foundation's program intact, rather than reducing it, should the $100,000 minimum for State grants be adopted.

Mr. President, no résumé of the arts picture in Arizona—or of any other State—would be complete without specific examples of the fired-up spirit of cultural awareness and enthusiasm which is sweeping the villages and localities in the State.

One place where very special things are happening is Tucson, which has made tremendous strides forward in only the last 3 years. Much of the success story in Tucson can be traced to the origin of the Tucson Council of the Arts, Inc. in 1966. Although the council does not present productions or projects, it serves as a dynamic central force for promoting cultural activities in the Tucson area.

Another important, practical function handled by the Tucson council is the provision of office space for the 36-member organizations who are affiliated with the council. Also, it serves as the central box office, mailing address, and meeting place for many of its member groups.

In 1969, the Tucson council scored a tremendous success when it acted as the central organization to carry out fundraising activities on behalf of its member units. The council sponsored a communitywide auction, titled "Focus, 1969" which grossed an astounding $109,126. The items sold at auction were contributed in great measure by local citizens and local businesses. The first stage of Focus was an auction-dinner party held

on March 7, 1969, and the second stage was a television auction conducted on March 8, 1969. Out of the proceeds raised by this 2-day event, over $81,000 has been distributed to the 13 member agencies which applied for funds.

Not being content to rest on its laurels, the Tucson Arts Council sponsored a second major fundraising effort on September 6, 1969. This time the occasion was a preview opening of the new Levy's department store in Tucson. Again the results were amazing. This single event, occurring merely 6 months after a previous local campaign, grossed nearly $6,000.

The council now is looking toward the spring of 1971 when it plans to promote "Focus II."

This display of broad support, loyalty across the community, and foresighted planning by the local council is a striking achievement. It owes its success solely to local initiative and local enthusiasm. And it should be noted that these events transpired after the National Foundation was created.

This is not to say that the Foundation deserves credit for what Tucson most certainly achieved on its own. But it plainly puts to lie the blind fears raised by some that the presence of a Federal arts body would dampen the development of activities at the local level or replace private contributions. The point is that community interest and private involvement have grown to ever-higher peaks notwithstanding—and perhaps to some extent on account of—the existence of the National Foundation.

The arts endowment has been a helpful partner where needed to encourage new programs or sustain existing ones. It has kept its nose out of places where it was not needed or wanted. It has unobtrusively contributed to uplifting the Nation's cultural climate, to increasing the national awareness of the importance of arts, and to sowing the kind of conditions in which the arts can flourish naturally and freely.

Mr. President, to continue my rundown on the development of cultural resources and programs in Arizona, I would like to call attention to the Heard Museum of Anthropology and Primitive Arts, which is located in Phoenix. Heard is one of the older established cultural facilities in Arizona and it just completed a general expansion in late 1968.

A part of the new facilities houses the Kachina doll collection which Rink Kibbey and I built up to about 437 artifacts. These doll-god figures made by Hopi Indian artists represent a unique American primitive art that one day may be lost and I am pleased that the collection will be on permanent exhibition in the museum.

Arizona is blessed with many fine museums, both of an artistic and historical nature. When speaking of the leading art museums one has to include the Phoenix Art Museum which has a collection valued at $7 million. The Museum of Northern Arizona should be mentioned, too, because it maintains a truly great permanent collection of Indian and Western art and is recognized as a major research center.

Also, the State universities are moving into leadership in the quality of their museums. The University of Arizona Art Gallery at Tucson has recently finished an extensive remodeling program and it exhibits collections valued at over $2 million.

Arizona State University's Matthews Center opened at Tempe in 1968 as a permanent art gallery and it, too, is growing with each new year.

Mr. President, this leads to the second area where I am offering an amendment for consideration by the Senate. For I do not think that sufficient recognition has been given by the Government to the cultural resources existing, and the energetic activities stirring, on the American campus.

Again I can point to Tucson for an excellent example of what I have in mind. Here, at the University of Arizona, we have a College of Fine Arts which has been responsible for concerts, dramatic productions, and art exhibitions numbering over 125 during fiscal year 1969. These events were heard or seen by audiences of 130,000 in Tucson and other places in Arizona.

In addition the University of Arizona sponsored an artist series of 31 concerts during 1969 which were given before audiences of over 40,000 persons. This means that concerts, plays, and exhibitions sponsored by one university alone reached audiences of 170,000 Arizonians or fully 10 percent of our total population.

The overall cost of cultural events sponsored by the College of Fine Arts is estimated by Dean Robert L. Hull to be "in excess of one-quarter of a million dollars." To this should be added the value of instruction which the college provides for over 1,500 undergraduate and graduate majors in the fine arts fields.

Also, this is a good place in my remarks to tell about the achievement of KUAT–TV, the educational television station at the University of Arizona, which received the high honor of being presented with the Broadcast Media Award at the annual broadcast industry conference on April 18, 1969. The award was given for KUAT–TV's television production of the Tucson Civic Ballet's "Alice in Wonderland."

Mr. President, with progress and contributions of this magnitude occurring on the campus in America, I believe that the National Foundation should devote more of its attention to the needs of colleges and universities which are operating fine arts productions and projects.

As Dean Hull has expressed to me in writing about the situation:

> It may be that the National Foundation felt that such support was covered adequately under the Office of Health, Education, and Welfare. The latter office, however, has concentrated most of its activities on problems relating to instruction or performances in the public schools rather than in the universities.

Mr. President, I join with Dean Hull in announcing our hope that the National Foundation "might restudy the current situation of the arts in America" and "reflect in future support programs the fact that some of the most important artistic activities in America now are being generated by the universities."

In order to prod the Foundation a little on this point and to assure that colleges and universities will receive the equal recognition that they in fact deserve, I suggest the adoption of an amendment requiring the National Endowment for the Arts to specifically consider the needs of institutions of higher learning when deciding to whom its general grants shall be awarded.

Mr. President, there are many other outstanding cultural projects underway in Arizona than the ones that I have already described. There is the Phoenix Youth Ballet, which is being incorporated into the Scottsdale Civic Ballet, under the very competent artistic guidance of Ruth Sussman. There is the Kadimah Dancers of Tucson. There are several fine choral groups, such as the Phoenix Symphony Chorale, the Tucson Boys' Chorus, the 60-man Orpheus Male Chorus of Phoenix, and the Tucson Civic Chorus. Also, there is an interesting artistic program that is conducted annually by the Orme School near Mayer. Orme is a private school operated for youngsters from the eighth grade through their senior year. Currently it is holding its second annual fine arts festival with 14 workshops taught by visiting professional artists. The students attend the workshops instead of going to their regular classes.

Mr. President, I could go on with this list, but the names which I have mentioned are enough to indicate the strength, diversity, and vitality of the cultural scene in Arizona. These examples offer sufficient proof that the general public wants and will support the arts.

In summary, Mr. President, I must conclude that there is no longer any question that the arts constitute an important dimension of American life and represent a legitimate subject for governmental concern and interest. So long as the Government's role is limited to providing a climate in which the arts can grow, to engaging each local community in the cultural currents flowing across the Nation, and to bringing the arts to the people, I intend to support the program and commend it. I cannot see anything wrong with preserving our cultural treasures. Cultural resources need to be protected and nurtured fully as much as other national resources.

Mr. President, I ask unanimous consent that the text of the two amendments that I have submitted be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 495 and 496) were referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 495 TO S. 3238

On page 6, line 24, immediately preceding the double quotation marks, insert the following new sentence:

"In the event the sum otherwise authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(h) shall be less than the total amount required to provide an allotment of at least $100,000 to each State pursuant to such section, there is hereby authorized to be appropriated to the Endowment such

additional sum as may be needed to provide such a minimum allotment to each State."

AMENDMENT NO. 496 TO S. 3238

On page 1, strike out line 5, and insert in lieu thereof the following: "amended by—

"(a) inserting a new sentence at the end of subsection (c) to read as follows: 'In acting on applications for financial assistance under this subsection, the Chairman shall give due consideration to the needs of qualified institutions of higher education for assistance which will enable them to develop and provide within the United States productions and projects in the arts organized or sponsored by such institutions.'

"(b) amending subsection (d)(2)(A) to read as".

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 440

Mr. BOGGS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor to amendment No. 440 to S. 2838, to establish a comprehensive manpower development program to assist persons to overcome obstacles to suitable employment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1969, vice Leonard v. B. Sutton, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, February 23, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INGREDIENTS EXIST FOR STATE ADVANCES

Mr. BYRD of West Virginia. Mr. President, the State of West Virginia, for years, has been pictured widely as a poor relative of the other members of the Union. I am grateful to say, and I think others will be pleased to know, that we seem to have turned a corner and that the coming decade can be faced with confidence. Our problems are still with us, but the future is brighter.

Mr. President, I ask unanimous consent that a projection by me of my State's economy as we enter the 1970's published by the Sunday Gazette-Mail, Charleston, W. Va., on January 25, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INGREDIENTS EXIST FOR STATE ADVANCES

(By Senator ROBERT C. BYRD)

The dawn of the 1970s finds West Virginia's economy ending two sharply contracting decades.

The 1950s, with the coal industry buffeted by technological and marketing changes, brought a series of serious declines in the state that left it economically groggy and described as "dying" by some doomsday voices.

The 1960s reversed this trend. Slow—and sometimes painful—progress has carried West Virginia to a plateau of recovery in which West Virginians justifiably can take pride. While we have not yet diversified our economy fully enough, while we still lag behind national norms in many statistical areas, this turnabout is very real and very significant.

The 1970s, it seems to me, offer the challenge and the opportunity to create an economy comparable to any area in the nation by building on the lessons learned, both bitter and inspiring.

Many of the ingredients for such further development already exist.

Our assets include very significant existing industry and business; availability of natural resources and raw materials; a ready, hard-working and trainable labor force; an unusually favorable geographic location with proximity to the nation's major markets; and the existence of a variety of programs, federal, state and local, to assist new or expanding industry in both technical and financial aspects of growth.

Our problems are equally manifest: a still uncompleted and inadequate highway system; mountainous terrain which makes prudent use of available land a critical factor in all economic decisions; the need for a more equitable and stable tax structure to encourage long-range business planning; the need for a higher educational attainment among our adult population; a national reputation—largely undeserved—for a "bad" labor climate; and a somewhat negative attitude on the part of some powerful image-makers and opinion-molders within the state.

In my judgment, two or three items suggested by our assets and our problems deserve priority attention from West Virginians who want to see our state advance steadily through the 1970s.

First is access. Virtually every facet of the heralded study of the President's Appalachian Regional Commission—which led to passage of the Appalachian Regional Development Act in 1965—pinpointed the insularity of Appalachian communities and difficulty in reaching major market centers as a root cause of the region's problems. Wisely, this legislation permits the construction of a network of excellent highways to eliminate this problem, at least in part.

Accelerated construction of our entire expressway system must be the first, sine qua non priority of West Virginia in the 1970s.

As we move, as the nation is moving, from a production to a distribution economy, the ability to reach these tantalizing-close urban centers quickly from West Virginia becomes even more critical. On a more local level, a trunk highway system could also relieve the sectionalism which plagues our state.

Our tourist industry—already growing with great promise—cannot reach its fullest fruition until our majestic mountains can be reached easily by travelers from the megalopolis developing between Boston and Norfolk on the Eastern Seaboard, and from the growing population centers of the Great Lakes and Midwest.

Completion of all the interstate highways, the Appalachian network, and other needed highway construction is basic and essential for the economic development of West Virginia in the 1970s.

Continuing development of better, more adequate facilities for general and commercial aviation is also a must. And the modernization and upgrading of our waterway transportation system is also of great importance.

The second major area of emphasis, I believe, should be an intensified effort to bring about the further development of what West Virginia already has in its natural resources and industries such as coal, chemicals, and electric power generation.

I am afraid that we have sometimes been carried away by campaigns to attract new industry as opposed to strengthening and assisting business and industry already in the state.

A really bright spot in the West Virginia investment picture in the last year or so has been the capital outlay of electric power companies for generating plants.

Included are such facilities as the John Amos plant of Appalachian Power now under construction in the Kanawha Valley, the Fort Martin plant of Monongahela Power in Monongalia County, the Mitchell plant of American Electric near Moundsville, and the Mount Storm plant of Virginia Electric and Power in Grant County.

The opening of new coal mines in Monongalia and Marion counties is significant, too. This will develop a new field and represent approximately a billion dollar investment by the railroads and coal companies involved.

The action of the West Virginia Legislature in enacting a business tax credit for expansion of new facilities by existing industry, and for capital outlay for new plants in the state, is another good step in the right direction.

A monograph on economic development prepared by Carl W. Hale for the Bureau of Business Research at West Virginia University points out, however, that taxes are not often the primary determining factor in the location of new industry.

But most certainly a more predictable tax climate for business and industry would be helpful. The impression must be dispelled by public officials and state leaders that West Virginia will continually impose a greater tax burden on the business and industry presently in the state. Business and industry must and should pay for its fair share, but our state tax revenues must continue to be drawn from a structure that is broadly based.

And, finally, I would say that West Virginia's future prospects can be enhanced by intensifying the effort to end the pollution of our air and water resources.

I was pleased to note that the John Amos power plant, to which I have referred, has been designed so that it will not contaminate the air or water. I believe that this kind of development points the way to the future.

The need for an adequate and constant supply of quality water for industry will increase as industrialization grows. Installations such as the Summersville, Sutton, Bluestone, and R. D. Bailey Reservoirs can help to meet this need.

And surely both the increasing number of tourists whom we hope to attract, and our own citizens, should have pure air to breathe.

By intelligently building upon our God-given natural greatness, West Virginians, I am sure, can make our state what we want it to be.

A CONCERNED CITIZEN SPEAKS OUT AGAINST FALSE ECONOMY

Mr. YARBOROUGH. Mr. President, one of the wisest political observers in Texas is Mrs. Margaret Carter of Fort Worth, Tex. This intelligent and observant lady has an ability to look through the smokescreens that politicians often erect and lay bare the hard facts of a matter. In a penetrating and thoughtful letter to the editor of the Fort Worth

Star Telegram, Mrs. Carter points out clearly the false economy in the administration's desire to cut aid to impacted areas. She also exposes the weaknesses in the administration's pollution program.

So that all my colleagues can have the benefit of Mrs. Carter's observations, I ask unanimous consent that this ably written letter to the editor which was published in the Fort Worth Star Telegram of February 1, 1970, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPENSIVE ECONOMY

Another economy that might appeal to President Nixon is quartering soldiers in the homes of the people. That practice made a little trouble for George III, who would have understood Nixon's impulse to dump the educational burden for federal installations on the nearest school board.

Educational aid to federally impacted areas simply saves local school districts from being swamped by the influx of children whose parents must live and work where the federal installations are. The local school district may not tax federal property, yet it must educate the children of the military. Few Americans would favor taking from these children—and their rich and poor neighbors in the affected communities—to give to the children of the poor in other places.

Having arranged to educate the children of the poor at the expense of the children of the military, the President moves on to another basic problem: pollution. He appears to propose a five-year expenditure of $10 billion. Closer scrutiny reveals a $4 billion federal carrot dangled before the noses of harassed local officials, who can't raise the required $6 billion in local matching money because President Nixon insists on keeping interest rates high.

From the President's point of view, the pollution cloud has a silver lining. The program fails, the $10 billion is "saved." Of course the environment is still polluted.

But don't accuse the President of making no contribution to the quality of American life. He has added to our political experience a new definition of economy.

MARGARET CARTER.

THE GROWTH OF DELTA, UTAH

Mr. BENNETT. Mr. President, recently Mr. Arnold Irvine, Deseret News business writer, presented an excellent feature on the growth of Delta, Utah. The article pointed out that Delta is undergoing some very exciting growth because of new job opportunities presented by the beryllium boom in that area.

Since in 1965 I sponsored the legislation providing beryllium with a depletion allowance, I was particularly happy to see this action bearing such fine fruit.

I was also happy to note from the article that the beryllium firms have discovered the high caliber of those who live in and around Delta. It is interesting to note that industry representatives have praised local individual's ability to learn.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Jan. 31, 1970]

SPACE AGE METAL DRAWS MONEY. PEOPLE TO DELTA

(By Arnold Irvine)

DELTA.—With the more industralized Wasatch Front drawing people with the strong magnetic power of money, the smaller rural Utah towns have been on the decline for years.

Not Delta. Over the past four years, this quiet town on the edge of a rich Pavant Valley farming area has been undergoing a reversal of the state-wide pattern, thanks to the "space age" metal beryllium.

Brush Beryllium has just started up its new plant, and Anaconda has said it will build a similar facility.

Like other rural communities in Utah, Delta was declining in population for many years. It is one of the state's newer towns, founded in 1906 as Melville, by a group of farmers who drew lots for several 40-acre farms then available.

Livestock and alfalfa became the backbone of the area economy and still are.

Over the years the 40-acre farm has become uneconomical and many of the farmers have sold out. Farm size had increased and population has decreased. This was the trend until 1966, when Delta started on the comeback trail, thanks to the discovery by Brush Beryllium of the largest known beryllium-containing deposits in the world. It's 40 miles west of Delta in the Topaz-Spor Mountains.

There was a minerals explosion frenzy in Millard County at that time and there were some fancy attempts at claim-jumping in which some large corporations were involved. Rival outfits hired local farmers to guard their claims amid some shooting and threats of violence a la Wild West. Fortunately, no one was hurt but a couple of truck radiators were mangled.

Since then, Delta has settled down to a steady roar.

The first beryllium plant in the area, Brush's spanking new $12 million facility just north of town, took its first steps last year and now is about ready to run.

"We have made some shipments of concentrate to the company plant in Elmore, Ohio," said Jack Valiquette, plant manager.

He said that formal dedication of the plant will take place within the next two months after the start-up kinks have been eliminated from the operation.

Valiquette was reluctant to discuss details of the plant prior to the formal opening, but a Blyth and Co., Inc., report on Brush says that the design capacity of the Delta plant is 450,000 to 500,000 pounds of contained beryllium per year, roughly equal to the total industry demand in 1969. That's a lot of metal, taking into consideration the fact that beryllium is the third lightest metal. (Lithium and magnesium are lighter.) Its high melting point and hardness in addition to lightness make beryllium valuable in space vehicle building.

Nearly all of the 70 employes at the plant were recruited in the local area, Valiquette said. "Mostly farmers." He added, "We have an above average group in ability to learn."

With the Brush operation well under way, everyone in town—except the Anaconda Co. people—is talking about the recent announcement by Topax Beryllium Co., an Anaconda subsidiary, that another beryllium ore concentration plant will be built in the area.

The January issue of "Intermountain Industry" in which the announcement appeared, states that exploration work by this firm is continuing "on the company claims just south of Brush Beryllium's open pit mine."

The fact that a well has been sunk on a possible plant site at Lynndyl, 10 miles northeast of here is common knowledge. Drilling was completed at 1,200 feet and the well has produced "good, clean water" at the rate of 1,500 gallons a minute, according to Ben. B. Gardner, Magna well driller at the site.

He said he thought the well met the company's requirements for its plant site and that another well is to be drilled nearby.

Asked about the project in Salt Lake City, a company official declined to comment.

With a population of about 2,000 can Delta furnish a labor force for more industry?

"There were more than 300 applicants for work at the Brush plant," answered Ned M. Church, Millard County Resource Development director.

"We graduate over 100 kids a year from the high school. I doubt that more than 15 or 20 per cent of them stay here. A lot of those that go away would like to come back," he said.

Ferrin A. Lovell, manager of the First Security Bank in Delta, one of the few who have come back, agreed that many other former residents of the area would be happy to return if they could find work here.

Last year, about 200 persons were added to the Millard County total, most of the increase coming in the Delta area. Some 38 new homes were built in Delta to house the added population.

"Land values are holding up quite well," Lovell said. "There is a lot of interest shown by people coming in from California."

Ambitious developers have cleared sagebrush from tracts of outlying land, put up street signs and are advertising lots for sale.

He and Church both noted that the town would have to upgrade its sewer system.

Building lots in town average about $1,500 and farm land is being priced at from $100 to $400 an acre, according to Lovell.

The expansion of dairy herds in the area is bringing pressure for the establishment of another cheese factory in Delta. Brooklawn Creamery has been making cheese there for years. Other developments that have boosted the economy have been the establishment of the American Telephone and Telegraph microwave station, which employs 18 persons, and the Automatic Electric Co. Autovon installation—also employing 18.

Other organizations are looking at Delta, and townspeople are optimistic. "There's good land; the water supply is good, and there are all kinds of minerals in the mountains," Lovell said.

PRESCRIBING FOR THE PRESS—ADDRESS BY SENATOR THOMAS J. McINTYRE

Mr. HART. Mr. President, as I indicated in the debate on the Newspaper Preservation Act, the dramatic increase in concentration of ownership of communications media has become a serious national problem.

In a speech Saturday in Chicago before the Association for Hospital Medical Education, the able junior Senator from New Hampshire (Mr. McINTYRE) drew our attention to it once again.

He has responded by introducing S. 3305, the Independent Media Preservation Act, and it is my hope that the Antitrust and Monopoly Subcommittee, to which the bill has been referred, will be able to schedule hearings shortly.

Mr. President, I ask unanimous consent that the text of Senator McINTYRE's

remarks be printed in the RECORD. I feel they will be a valuable addition to the growing debate on this issue.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRESCRIBING FOR THE PRESS

Mr. Chairman, honored guests, members of the Association for Hospital Medical Education:

Though I have a deep and abiding interest in the subjects that concern this convention, I have decided to talk to you today about something that should concern *every* American citizen—the health of that part of the First Amendment that guarantees freedom of expression and the current debate over news media performance.

I have come here to discuss what I consider is a grave threat to an often ignored dimension of the First Amendment—the implicit guarantee of freedom of the press for the public as a whole, not just for those who have acquired the instruments of the press.

I also intend to distinguish between the dimensions of my concern over the threat and the concern recently expressed by Vice President Agnew, and to prescribe some radical therapy—therapy that I sincerely believe is the *only* remedy for what would otherwise be a grim prognosis for one of our most important Constitutional guarantees.

The current furor over the press was touched off on the night of November 14 when the man who had embarrassed the Nixon campaign by saying "If you've seen one slum you've seen them all," suddenly become a folk hero by saying, in effect, if you've seen one network TV commentator you've seen them all—and they're *all* prejudiced.

In this talk, the Vice President charged that TV can create issues overnight and make celebreties out of unknowns. He was right . . . at least on the last.

For by the time he turned his guns loose on certain East Coast newspapers a week later, the name Spiro Agnew had, at long last, become a household word.

In most newsmen's homes, of course, it was uttered like a word you'd hesitate to use in mixed company.

None of this should have surprised anyone. The press is notoriously thin-skinned—nearly as thin-skinned as politicians—with just as healthy an ego.

I'm sure it was a newspaperman who snidely observed that whereas editors must print a retraction when they make a mistake—doctors can bury theirs.

I'm just as sure it was a newsman who noted that when we die and all reach heaven there'll be no need for doctors, because we'll all have perfect health; no need for lawyers, because there'll be no disputes; no need for politicians, because there'll be no public offices; but still a need for journalists—because we'll all still want to know what the other fellow's doing.

But historically, there's also been the other side of the coin.

George Washington declared that it was scurrilous abuse by the press which drove him into retirement at the end of his second term.

And Thomas Jefferson, who at one time said that if he had to choose between having a government without newspapers or newspapers without a government he'd choose the latter, on another occasion bitterly attacked the Fourth Estate with these words:

"Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious of being put into that polluted vehicle."

And so it has been for lo these many years.

Nevertheless, both the press and the politicians have survived in robust health, and I like to think all that jawboning exercise about each other has contributed to their mutual well-being.

But each can overstep the bounds, and now both have.

In my view the Vice President went too far in his attack on the television news media and missed the mark—deliberately or otherwise—in his attack on media ownership concentration.

In the former, Mr. Agnew talked of, quote: "no more than a dozen men . . . (settling) upon the film and commentary that is to reach the public, and (deciding) what 40 to 50 million Americans will learn of the day's events in the nation and the world."

In the latter, he complained of the power of the combines owned by the Washington Post and the New York Times.

But examine his remarks, if you will. Is Mr. Agnew *really* that much concerned about ownership concentration? Or is he merely complaining that the networks and the combines he attacked don't reflect the "majoritarian" viewpoint which he feels would favor the Administration he serves?

If Mr. Agnew were truly concerned about the dangers of media ownership concentration and the need to preserve a multiplicity of voices, why didn't he attack the monopoly stranglehold that exists around the very state in which he spoke—Alabama? There the huge Newhouse chain shares ownership of the two Birmingham dailies with Scripps-Howard, and itself owns newspapers in Huntsville and Mobile, TV, AM and FM stations in Birmingham, and a CATV network in nearby Anniston. In Montgomery, where the speech was delivered, Cormage Wallace controls both papers.

Senator Philip Hart pointed out that Mr. Agnew's going to Montgomery to attack the New York Times and the Washington Post was "like going to Cairo to attack Arthur Goldberg."

And, if Mr. Agnew were truly concerned, he could have referred, too, to the Chicago Tribune Company, that unyielding bulwark of American conservatism. Here in Chicago, the Tribune controls two newspapers and interests in television and radio. In New York it owns additional broadcast interests and the New York Daily News—the largest circulation paper in the country. Broadcast interests in Minnesota, Colorado and Connecticut, CATV systems in Michigan and California, and additional newspapers in Florida—all these constitute the Trib's outer barricades.

Finally, if Mr. Agnew were truly concerned, he would have raised his voice loud and clear against a bill that poses a greater danger to freedom of the press and diversity of opinion than any bill in recent memory. Instead, this bill was supported by the Nixon Administration and was passed by the Senate in what I consider a tragically lop-sided vote just one week ago.

I speak now of the Newspaper Preservation Act, a bill which permits the publishers of 44 newspapers in 22 cities to continue engaging in price fixing, profit pooling and market sharing practices forbidden by the antitrust laws.

The premise underlying this bill, also known as the Failing Newspaper Act, is that the newspaper industry is in serious financial trouble.

In order to save independent editorial voices, the supporters of the bill argued, it was crucial that joint operating agreements involving price fixing, profit pooling and market sharing be allowed.

This argument is shot through with fallacies.

First, the newspaper industry is not in financial straits. It is experiencing unprecedented prosperity. Moreover, this is true of the very papers whose supposedly "dying" voices this bill is designed to save.

Let me give you an example: The before-tax return on invested capital for all of the drug industry in 1968, you may know, was 35 percent, a rate of return some Senators called a public outrage. Yet the before-tax return on invested capital for the two joint-agreement papers in Madison, Wisconsin in 1968 was 46 percent! I didn't hear many cries of outrage over this.

Second, joint operating agreements will, in the long run, kill off far more independent media voices than they could possibly save.

Let me explain: Supposing you were interested in getting into the newspaper business. Would you be more likely to begin your operation in a one newspaper market that was the result of an outright merger of two newspapers, or in a market with two ostensibly independent papers—even though these two papers were, in truth, not so independent because they were linked together by a joint operating agreement?

For sound business reasons, you'd probably enter the one newspaper market. And in doing so, you'd be benefitting the public by creating a truly competitive situation and, just as truly, adding an independent editorial voice to the market instead of subtracting one.

It is important to realize that because they are so intensely profitable, joint agreements generate excess cash which is almost always used to gobble up other media voices.

Example: St. Louis, where the Post-Dispatch and the Newhouse chain of papers have entered a joint agreement.

In 1968, the Post-Dispatch had enough excess funds to buy two TV stations—KVOA-TV in Tucson, Arizona, and KOAT-TV in Albuquerque, New Mexico—for a combined price of $18 million.

Just one year before, Newhouse, the other partner in the joint agreement, paid a then-record price for a single newspaper property—$53.4 million for the Cleveland Plain Dealer.

A third argument against the bill is this: If newspapers are granted antitrust exemptions because they are purveyors of expression and disseminators of ideas essential to the national welfare, then we can expect book and magazine publishers, the broadacst industry and motion picture producers to argue for the same exemptions for the same reasons.

Fourth, the very fact that the newspapers' role is to disseminate information is the strongest reason to withhold antitrust exemptions from them. Why? Because other industries which have been granted antitrust immunity—transportation and insurance, for example—have in time been subjected to detailed government regulation.

I don't think any of us would like to see the press hobbled by such regulations—not if we have any respect for the values protected by the First Amendment.

These, then, are the arguments against the Newspaper Preservation Act.

Bolstering these arguments was the fact that the bill was opposed by almost everybody in the industry *except* those companies with a money interest in its passage.

It was opposed by the National Newspaper Association, a group of 7,000 small and medium sized newspapers located throughout the nation.

Editorials attacking the bill also appeared in such giants of the industry as the New York Times, the Washington Post, the Wall Street Journal, the Louisville Courier-Journal and the New York Post.

And the publishers and editors of these and many other newspapers were joined in their opposition by the printing trade unions, the American Newspaper Guild, the International Typographical Union, and the Amalgamated Lithographers.

Yet despite all this, the bill passed the Senate with only a thin scattering of opposing voices. It did so for one reason and

one reason only—the tremendous political clout of the media barons whose profits would be fattened by it.

At last count, these companies owned 127 daily newspapers in 86 cities in 34 states, 109 broadcasting stations in these and an additional three states, one of the two major world news services—United Press International—and 22 national magazines. These are the total holdings of the men whose supposedly dying voices this bill was designed to save.

The figures are so impressively high because three of the giant chains are involved, Scripps-Howard in 7 of the 22 joint agreements and Newhouse and Hearst in two each.

Again, this is an awful lot of concentrated political clout—and it was felt.

Mr. Agnew, of course, was anxious not to offend these companies by opposing their bill as he was earlier to avoid mentioning their stranglehold on the media around Montgomery.

More important, more significant, and in a sense vastly more disturbing than the inconsistencies of Mr. Agnew's position, however, are the lessons to be drawn from Senate action on this bill.

Lesson number one is the power of the media over legislators against whom they wish to use it.

Imagine two scenes:

In the first, an elected representative is seated in his office. A visitor is announced. He is a private citizen—let's say a journalism professor from a college back home.

His visit is brief, his request directly put. He would like the representative to oppose the Newspaper Preservation Act because he feels the measure would "restrict" rather than "broaden" freedom of the press.

The representative promises to consider his views and ushers his guest out the door.

A second visitor is announced. This time he is an internationally known columnist for a large newspaper syndicate. He chats with the representative, casually bringing up the possibility of mentioning him in an upcoming column, and then he prepares to leave.

Almost as an afterthought, however, he asks if the representative has had a chance to study the Newspaper Preservation Act. Told that the man has taken more than a casual look at it, the visitor slides away from the topic but in doing so mentions how much the home office hopes the bill will be enacted since they feel it means survival for many of their newspapers.

Now both of these visitors, we are asked to believe, are equal under the Constitution. But facts being facts, the tough question is whether the second man was not "more equal" than the first.

Let's not kid ourselves. These are *not* imaginary scenes. The lobbying which went on for this bill may well have set new records. I tried, without any luck, to get some idea of when the bill would come to the floor. Then, two days before it did come up, representatives from all the large newspaper chains in the country descended on Washington. Just as they departed, the bill came to the floor, brought up so suddenly I had to cancel several events I'd planned in New Hampshire.

The tactics worked. Sixty four senators voted with the big chain newspapers. Only 13 bucked the tide.

Now let me be perfectly candid.

I voted against the Newspaper Preservation Act. I did so out of conviction. But I was not one of the heroes among the 13 who bucked the tide.

The real heroes were those Senators who had big chain newspapers in their state and would not knuckle under to the pressure. I was fortunate in not having that situation in New Hampshire.

So this is the first lesson we have learned about the power of the media when it is unleashed in its own behalf.

Lesson number two is the power of the media to ignore an issue they see fit to ignore and not be challenged about it. When Mr. Agnew took to the airwaves to attack media performance, his words got wide attention.

Yet the Newspaper Preservation Act, a bill affecting the financial interests of the media, was virtually ignored by the press during the three years it was pending before the Senate—except on those occasions when publishers testified in support of it.

But let me be fair. Up to now the media have seldom used their power either to control legislative votes or to ignore issues except in matters, which like this bill, have directly affected their pocketbooks.

Indeed, my regard for the general performance of the media in recent years is very high. For Mr. Agnew notwithstanding, it has been my conviction that when the press has abused the public trust, it has been rarely, if ever, deliberate.

More often than not, what abuse there has been has occurred when the press forgot that news is not only that which is unusual, it is also that which is significant.

And though the significant may not be as interesting as the unusual, the public relies on the press to tell them what is significant. And most of the time it has.

But those past high standards of media performance may not prevail much longer. The vast power which many media barons are accumulating may be increasingly abused. We are well aware of how often big chains buy up independents, lay off reporters and increase the advertising to news space ratio in order to boost profits. And the quality of the final product inevitably suffers as a result.

Further concentration of media ownership constitutes one of the gravest dangers a democracy could face. It is also, I fear, a danger which our democracy already faces, and a danger which the Newspaper Preservation Act can only serve to heighten.

Consider the startling growth of newspaper chains for a moment. Chain controlled dailies increased by 56 percent in the seven years between 1960 and 1967.

In the latter year, the nation's 871 chain dailies represented 49.3 percent of all the dailies in the country. They had amassed 61.8 percent of all dailies' circulation, and 19 of the 25 largest dailies were included in that number.

My friends, at the present rate of expansion, all of the daily newspapers in the country—I said all of them—will be owned by chains in less than 20 years.

Beyond that, many newspaper publishers have found out how profitable it is to acquire broadcast facilities. Already 25 percent of the TV stations are newspaper owned, and in the 25 largest TV markets it is 35 percent. The figures are even higher for VHF stations alone.

While these developments have not greatly affected media competition on the national level, they have had a real impact on many local communities.

Today there are 1,500 American towns in which daily newspapers are published. Of that number, only 59 towns have competing papers. In all others, a single owner controls either the only paper in town, or he owns the morning and afternoon combination.

And in many communities the great bulk of the media have been gathered into a single hand. Today there are 76 communities where the one newspaper and the one radio station are under common control, and an additional 23 which put up with joint ownership of their only television station and only newspaper.

But whatever statistics we use to illustrate the trend toward chain ownership, monopoly situations, and multi-media baronies, the real irony is that all this is occurring at the very time when government itself is moving in the direction of more public participation.

While our legislative bodies have been redistricting and we are on the verge of abolishing the electoral college, the Fourth Estate continues to close in upon itself.

There are many causes for this trend, of course, but one of the most important surely is the attraction of the profits available through monopoly. William Randolph Hearst Jr., let that cat out of the bag when he observed that two competing dailies making $100,000 each can increase their profit to $500,000 by agreeing to a merger.

Some monopolies have come about through mergers, when such mergers are permitted by the antitrust laws. Others have been achieved by driving competitors out of business. Selling advertising or subscriptions below cost and refusing to accept ads from those who also patronize competing papers are just two of the tactics that have been used.

Chains and multi-media baronies have distinct advantages over single-unit competitors when they resort to such practices. For one thing, they're able to subsidize any losses thus incurred with profits earned from other operations. They've also been able to offer low combination rates for two of their media properties which give efficiencies per advertising dollar no smaller competitors can match.

Yet with this disturbing trend well underway, and the Newspaper Preservation Act threatening to speed up the trend, the Vice President of our country seems far less concerned about preserving a multplicity of diverse and antagonistic media voices than he is shaping the content of the single voice through which he would like to hear and see the media speak.

These, then, are the many reasons for my concern over media concentration and for my introduction of a bill designed to prevent it.

There are two provisions in my Independent Media Preservation Act:

The first would prohibit any owner of five or more daily newspapers from henceforth acquiring any additional such papers, thus halting further growth of larger newspaper chains.

The second would bar joint ownership of press and broadcast facilities in the same metropolitan area. Any existing combinations in a given area would be given three years in which to sell off one of their properties.

I am not wedded to the particular terms of the proposal. I only know that unless some such law is passed we may soon be embarked on a trek toward monopoly in the most precious commodity known to man.

Yet I cannot help wondering, after the Senate vote on the Newspaper Preservation Act, if it is not already too late to avert such a monopoly.

In any event, I have introduced this measure, certain in my own heart that it does not contravene the first Amendment, but instead would protect and enchance its values.

I say this because the Supreme Court has made it very clear that the intended beneficiaries of freedom of the press are the news consumers—you and I—and not the news purveyors.

The Court has said: "It would be strange indeed . . . if the grave concern for freedom of the press which promoted adoption of the First Amendment should be read as a command that the Government was without power to protect that freedom."

My bill is directed toward protecting that freedom by encouraging a multiplicity and discouraging a further concentration of media voices.

Let me repeat once again—if some such restraints are not introduced, all of the daily newspapers in this nation will be chain-owned in less than 20 years.

I view this prospect as nothing less than tragic, for it is my deep conviction that the causes of truth and freedom are best served when as many as possible are pursuing both.

NAACP LEADER SUPPORTS CARSWELL NOMINATION

Mr. GRIFFIN. Mr. President, an effort is underway to discredit Judge Carswell by charging—and continually repeating the charge—that he was biased in deciding civil rights cases. The record of the committee hearings does not support such a charge.

Among those who believe this nomination should be confirmed is Chester K. Gillespie, a leader, and former president, of the Cleveland, Ohio, chapter of the National Association for the Advancement of Colored People. Recently, in a letter to the Cleveland Plain Dealer, Mr. Gillespie explained his position and why he believes the NAACP should support the nomination, too.

I ask unanimous consent that Mr. Gillespie's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the (Cleveland) Plain Dealer, Jan. 26, 1970]

GILLESPIE UPHOLDS CARSWELL

I am a member of the Cleveland NAACP executive committee and am a lawyer for the NAACP national office in New York. I am also a former president of the Cleveland branch.

I firmly believe the NAACP should go slow and be very careful about its opposition to Senate confirmation of Judge George Carswell to be a member of the Supreme Court.

He has made some mistakes in his several rulings, but he ruled a Negro must be served in a barber shop and that Negroes must be served in public restaurants, both in the state of Florida, and his white friends were unhappy about these two rulings and the barber closed his shop.

Unless the association has very strong evidence against Judge Carswell, I think the association should compromise and support President Nixon in this instance. By opposing the confirmation we might embarrass some of our real friends in the Senate, including Sen. Hugh Scott, the minority leader.

And then, without a doubt Carswell is going to be confirmed and, therefore, we could show some weakness in national affairs.

We were wrong when we opposed the confirmation of Justice Hugo Black to the Supreme Court. He is now one of the best friends the Negro ever had.

Judge Carswell should be promptly confirmed so the court can function as the law requires and for the good and welfare of America. We cannot always get everything we desire.

CHESTER K. GILLESPIE.

DALLAS GARDEN CLUB SUPPORTS A 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Dallas Garden Club of Dallas, Tex., recently adopted a resolution endorsing my bill, S. 4, which would create a 100,000-acre Big Thicket National Park. In adopting this resolution, this respected organization has joined with many other civic and conservation groups who are concerned about the fate of the Big Thicket.

The Big Thicket area of southeast Texas is one of this country's last true wilderness areas. It is known throughout the world as the home of many rare forms of plant and animal life. It is probably most famous for being the last known refuge of the legendary ivory billed woodpecker, long thought to be extinct.

Once the Big Thicket covered over 3 million acres. Now, as a result of the harmful and careless practices of spoliation the area consists of less than 300,000 acres. If the Big Thicket is to be saved for our children, it is imperative that Congress act now.

Mr. President, I ask unanimous consent that this resolution and a policy statement be printed in the RECORD.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

RESOLUTION OF DALLAS GARDEN CLUB ON THE BIG THICKET NATIONAL AREA

The Dallas Garden Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

THE DALLAS GARDEN CLUB,
MRS. MAURICE E. MOORE,
President.

CARROLLTON, TEX.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE SILENT MAJORITY SPEAKS

Mr. GOLDWATER. Mr. President, today the news media keeps us so annoyingly aware of the critics of our society that we can too easily forget that there are millions of Americans who value their citizenship and take pride in America's heritage.

Unfortunately, these Americans are not interesting news copy by today's standards. They lack drama for they do not demonstrate, riot, or call attentions to themselves. Yet, their contribution to our society is more permanent and runs deeper than those who loudly voice the emotions of the moment. Today, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from two such Americans, Mr. and Mrs. Lester R. Arie of Phoenix, Ariz.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ.,
November 27, 1969.

HON. PAUL N. FANNIN,
Senator, Arizona.
HON. BARRY GOLDWATER,
Senator, Arizona.
HON. JOHN J. RHODES,
Representative, Arizona.
HON. SAM STEIGER,
Representative, Arizona.

DEAR SENATORS AND CONGRESSMEN: We are doing today what too few of us do: taking time to express an opinion; also making sure that it reaches our elected representatives in Washington. We of the "Silent Majority" have too long been silent, taking things for granted, neglecting our civil duties, failing to get involved in the democratic process. We now realize that the time is here to break that silence, speak out, stand up and be counted. This being Thanksgiving we believe it is appropriate to first count our blessings. So we shall enumerate some of the things for which we are thankful.

1. We give thanks to God that by His Grace and the circumstance of birth we are Americans.

2. We give thanks that we are privileged to live under a government that is the best yet devised by the inspired, composite mind of man. On this point we are adamant—after visiting and breaking bread with the peoples of 67 nations during the past half dozen years. Many of these people would realize their fondest dream if they and their children could live in the United States.

3. We give thanks that though Americans first and Arizonans second we call Arizona "Home". We are thankful that we live among people imbued with traditional concepts and values of Americanism.

4. We give thanks for abundant good health and good friends; sufficient worldly

goods to live graciously (but not extravagantly) and the knowledge that the latter was earned by the sweat of our brow under a "system" that grants the same privilege and opportunity to others.

5. We give thanks for the high moral character, the ethical and spiritual stature, the clear, unmuddled, unbefuddled thinking of the men we have elected to represent us on a national and state level; men of integrity who dare speak their minds. For these and many other blessings we give both humble and proud thanks.

Now, to the true purpose of this letter. We fervently believe that President Nixon's conduct of the Vietnam war which he inherited is the right course to pursue. It is not only the *right* but the *only* course to pursue to achieve a just and honorable peace. We know that you support the President. We want you to know that we support *you* and the *President*. And also, the *Vice President*.

We believe that Vice President Agnew rendered an inestimable and historic service to his fellow Americans in voicing what most of us of the "Silent Majority" have been thinking and saying privately. We are tired, nauseated, even sick, seeing and hearing self-appointed or corporation-boss-appointed omnipotents play God. An internationally known commentator who reports that the November 15 marches constituted less than one-half of one per cent of our population and in the next breath comments (quote) "Of course there is no way of knowing if this constitutes a majority" (unquote) is the kind of slanted reporting and comment we reference. Certainly this commentator needs to examine his arithmetic. And while he is examining his arithmetic, his background and that of his bosses should be investigated.

When we elect a President by the will of the majority, then a very few, but a very powerful and dangerous few, by virtue of controlling the news media, with particular emphasis on television, subvert or try to subvert the will of the majority, something should be done. If this is not done from the inside, most assuredly it will be done from the outside. John Q. American will take just about so much and he has just about had it. The "Silent majority" is beginning to reach the boiling-over point. Uncle Sam (that composite of John Q. citizen), the benign, sleeping giant, is awakening. While he slept the lilliputians (intentionally spelled with a small "L") were getting in their subtle licks and dirty work. Aided and abetted by mini-mini-lilliput politicos, at least some of whom thought they saw political advantage in aligning with the lilliputs, they staged their marches which gave the enemy encouragement. Does anyone doubt that the war would be settled if the lilliputs had first been settled? Now the mini-mini-lilliput politicos are scampering for cover; trying to disassociate themselves from a bad dream. They have realized that they made a bad guess. They have seen the handwriting on the wall. And it is inevitable that the rest of the motley crew will wither away in front of a united America. When Sam starts swinging the lilliputs disappear. Only when he sleeps do they try to bind and enslave him.

It is the eleventh or twenty-third hour and the fifty-ninth minute. It is high time for those who are not *against* America to be *for* her—and evidence it by cutting their hair, chopping their whiskers, taking a bath, sweeping the cobwebs out of their attic, rolling up their sleeves and going to work. I see more work that needs to be done than at any time in history. And there are too few ready, willing and competent to pitch in and do it.

We are very, very tired of seeing 15 year olds interviewed on television and asked about their views on the Vietnam war. Americans as a nation have the least sense of history, the least perspective on the past of any nation on earth—any modern nation. This comparative lack of perspective on history came as a shock in my exchange of ideas with people in West Germany, Poland, Czechoslovakia, Hungary, Rumania, Yugoslavia, Finland, Turkey, Greece, Japan and the Soviet Union. Many of these people told me things about my own country that I did not know. So, what deep, sophisticated, mature knowledge is such a youngster supposed to dispense? All of us deplore war. All of us would like to live in a world that is all sweetness and light; milk and honey; all play and no work; all good and no bad. But I have sad news: there just ain't no such animal. There never was and there never will be such a world. And the lilliputs are not bettering the world they and we live in by vulgarity of every sort, degrading themselves and the human race and attempting to destroy the best of everything we have.

It is so easy for lilliputs to berate and tear down, with nothing in mind to replace what is destroyed. It is difficult to build for the present and future generations and requires sacrifice now. If you want to see a really confused lilliput just ask him (or her) "What is your alternative? What do *you* suggest? What do you have to offer to replace what you would destroy? What is the other side of the coin?" While the lilliput imitates a guppie and gasps for words which don't seem to be available, is a good time to supply the answer yourself. "The worst, the most horrible, the most complete and total, the most controlled, the most brutal and abject slavery the world has ever seen—enslavement not only of body but of mind and spirit".

Why, under the guise of Freedom of the Press, Freedom of Speech, Freedom of Assembly and "Academic" Freedom are a small handful of misguided (or guided) sick-of-the-world, prophets-of-doom permitted to destroy all freedom? By virtue of what do they possess esoteric and God-like knowledge? And how did they acquire a license to play God? To project their cob-web thinking just one notch further means freedom (license) to riot, freedom to burn, destroy, steal, rape, plunder and kill. The ultimate freedom the lilliputs are bellowing and clamoring for is "Freedom of the Law of the Jungle"—anarchy and chaos. When a university hires an avowed communist to teach and invites a rapist to lecture, something should be done about it. And, it better be soon. The "hirers" should be given a lesson in ditch-digging freedom, under competent supervision.

Why has not more coverage been given to the established-beyond-a-doubt, thousands of heads severed by the VC from peaceable South Vietnamese, impaled on stakes and exhibited in isolated South Vietnamese villages? I asked an Air Force Colonel that question in Saigon on Easter Sunday, 1966. This was the morning after a good South Vietnamese, by day, was shot during the night while attempting to blow up military aircraft—with enough explosives on his person to do a bang-up job. He had been employed at the airport for some time. The Colonel's mouth tightened to a straight line and he shook his head negatively. "How the devil do you know who is and who isn't a VC?" I asked. He shook his head again and replied "Buddy, from here in, whoever sticks his head up out there is a VC. It is that kind of war".

Herein may lie the cause of the alleged massacre by American soldiers of South Vietnamese civilians—by a company that had lost half its men to snipers. Remember, those boys lives were at stake. But why does the news media latch on to heresay by someone that was not there, take the word of communists and pictures provided from communist sources as the Gospel truth, try, condemn and hang the Americans without a trial and before the world? Again, why not publicize the fact that the VC and Hanoi's invaders killed thousands and thousands of South Vietnamese in cold blood and inflicted worse than death on thousands more. It is a sad commentary that but for the fact that this horrible, messy war is undeclared, many of our omniscients, including university professors, columnists, commentators and corporate bosses, misguided politicians and others would be behind bars charged with such crimes as sedition, subversion, giving aid and comfort to the enemy and yes, even treason. The marchers would be marching to the sound of other drums and Moscow, Hanoi and Peking would be looking elsewhere for their belly-laughs.

We, the silent majority do not want censored news. We merely want ALL the news; unbiased, fair reporting. All the news—not just one side. The worst possible censorship is to just ignore; to be given the silent treatment of ostracism. Give us the news and spare the comment and interpretation—comment and interpretation that insults the intelligence of a ten year old child! Comment that exposes the commentator's inexperience, lack of maturity, knowledge of the world and more particularly knowledge of America as well as lack of judgment and good taste; comment that by the manner and the inflections and nuances of speech in which it is delivered, belittles America and degrades her institutions and traditions. We deplore and resent this sneaky, sneering pomposity being carried over and projected into network shows—propagandizing entertainment.

Give us the news and we'll take ours straight. No chasers, please. And no embellished Hors d'oeuvres. If we are so stupid we can't add 2 and 2, we'll ask somebody. No network boss nor all combined has a license to try to brainwash John Q.

In conclusion, no person or entity, corporate or otherwise, is bigger that the United States government and should not be permitted to operate on the assumption that he or it is. In the end, *if* news *is* controlled, you can bet that it will not be by somebody or a handful of somebodies, elected to nothing by nobody, but rather by Uncle Sam, the embodiment of the majority American Will; that composite of John Q. Citizen, U. S. A. That is the American Spirit and the American Way.

Just two voices from the great silent majority of your constituency,

Respectfully yours,

LESTER R. ARIE.
SALLY E. ARIE.

HEARINGS ON PESTICIDE 2,4,5-T

Mr. HART. Mr. President, I would like to apprise the Senate of some decisions reached during the recess which may have implications for the health of all of us.

Last week a rather frightening article by Thomas Whiteside appeared in New Yorker magazine which discussed the potentially disastrous consequences to the environment and to man himself which may result from the use of a pesticide known as 2,4,5-T. The chemical has been used quite extensively both in Vietnam, as a defoliant, and at home, as an herbicide. Yet, according to the Whiteside article, as well as several other sources which have recently reported on the pesticide, it may produce seriously disruptive ecological effects on fish and plant communities. Even more important, it may constitute a direct threat to human life.

This last conclusion stems from the results of a study conducted last year by Bionetics Research Laboratories, Inc., under contract with the National Cancer Institute. The study, the Whiteside article reports, revealed that even small

dosages of 2,4,5-T will produce fetal deformities in both mice and rats.

It was in response to the findings of the Bionetics study that Dr. Lee DuBridge, President Nixon's scientific adviser, announced last October that a series of coordinated measures would be undertaken by the Government to restrict use of 2,4,5-T. Mr. Whiteside's account of that statement includes an assurance that the Department of Agriculture would deregister the pesticide for food use, effective at the beginning of 1970, unless the Food and Drug Administration could find a basis for establishing safe residue tolerance levels in food.

Mr. President, despite the absence of any such determination by FDA, this pesticide continues to be sprayed at home and abroad on food crops which are ultimately used for human consumption.

So that we may seek an explanation for this disturbing state of affairs, Senator MAGNUSON, the distinguished chairman of the Commerce Committee, last week agreed to my request that a 1-day hearing on the matter be scheduled by the Energy, Natural Resources, and the Environment Subcommittee on the 11th of March. The Senator from Washington and I last week also sent the following letter to Dr. Lee DuBridge, Director, Office of Science and Technology; Hon. Robert H. Finch, Secretary of Health, Education, and Welfare; Hon. Clifford M. Hardin, Secretary of Agriculture; Mr. Charles Meacham, Commission, U.S. Fish and Wildlife Service, Department of the Interior; and Mr. James Nance, president, Bionetics Research Laboratories, Inc., people whom we would like either to appear as witnesses at the hearing or to submit a report to the Committee on matters relating to 2,4,5-T:

FEBRUARY 12, 1970.

DEAR ———: In the past weeks, questions have been raised by several sources concerning the dangers which may be posed by use of the herbicide known as 2,4,5-T. We at the Senate Commerce Committee were especially disturbed by Thomas Whiteside's discussion in this week's New Yorker of the possible effects of this compound on plant communities, on certain shell-fish and migratory fish, and on man himself.

In order to explore the questions raised by Whiteside and others, the Energy, Natural Resources and Environment Subcommittee of the Committee has scheduled a one-day hearing for March 11 at which we would like you to appear as a witness. Our purpose is essentially to attempt to acquire some understanding of the current state of knowledge concerning 2,4,5-T and to keep abreast of Administration decisions and other developments regarding the herbicide.

If you have any difficulty with our proposed date, please do not hesitate to let us or the staff man, Leonard Bickwit (225–6627), know. We look forward to seeing you and to hearing your views on matters which are of great concern to all of us.

Sincerely yours,

PHILIP A. HART,
Chairman, Subcommittee on Energy, Natural Resources and the Environment.

WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee.

Senator MAGNUSON's decision to schedule this hearing is another instance of the Commerce Committee's concern for the effects of pesticides on man and his environment. In 1958, the committee reported the Pesticides Research Act, which authorizes the Secretary of the Interior to investigate the impact of pesticides on fish and wildlife resources. The committee has also been responsible for several amendments to that act, the latest of which extended authorization for research through fiscal 1971.

Last year the Subcommittee on Energy, Natural Resources, and the Environment held two sets of hearings which explored the effects of pesticides on commercial and sports fisheries. Our hearing next month is an extension of that effort to find a governmental policy or procedure which will protect man and the environment from the use of harmful pesticides.

EDITORIALS SUPPORT NEED FOR IMPROVED SOCIAL POLICYMAKING

Mr. MONDALE. Mr. President, during 1969 the Special Subcommittee on Social Program Planning and Evaluation, of the Senate Labor and Public Welfare Committee, devoted careful study to S. 5, the proposed Full Opportunity Act. Hearings on the bill and on the HEW study of knowledge about current social conditions, "Toward a Social Report," were held during July and again in December. The testimony received during those hearings underscored a point I have made repeatedly in this Chamber: Towering ignorance of real social conditions too often supplants data and fact when we attempt to legislate in the human programs area.

No testimony received by the subcommittee during 1969 documented that premise so pointedly as did that provided by former Presidential Assistant Joseph A. Califano, Jr. Mr. Califano's remarks provided a shocking indictment of our good-intentioned but hopelessly irrational approach to social policymaking. Recently, both Tom Wicker, of the New York Times, and Laurence Stern and Richard Harwood, of the Washington Post, judged Mr. Califano's remarks to be of sufficient importance to be discussed in their widely-read columns. I ask unanimous consent that these columns be printed at the conclusion of my remarks.

In addition, the same testimony prompted the St. Paul Pioneer Press to editorialize in favor of the structural mechanisms for social monitoring and reporting which are proposed by the Full Opportunity Act. I ask unanimous consent that an editorial entitled "Council of Social Advisers" also be printed in the RECORD.

There being no objection, the columns and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 25, 1969]

IN THE NATION: THE MISSING INGREDIENTS

(By Tom Wicker)

WASHINGTON, December 24.—Ringing through the rampant materialism of Christmas is one clear note of concern and generosity, sounded by a small group of servicemen stationed at Monterey, Calif. Appalled at the "social crisis" as well as the "feeling of hopelessness about America's ability to deal with its own problems," they have contributed a tithe of their monthly earnings to the Urban Coalition.

With this small beginning, the group writes, "If one-tenth of the people in the country could be persuaded to tithe ten per cent of their income after taxes for a period of ten years, then $50 billion could be raised." That may well be so, and no one should spurn either the efficacy of that much money or the spirit that would produce it; unfortunately, both are only a part of the social dilemma in America.

CALIFANO'S TESTIMONY

Another major problem is that we do not know enough about what we are doing, hence about what we ought to be doing, in the social services. This point was graphically made in recent testimony to a Senate Labor Subcommittee by Joseph A. Califano, who was former President Johnson's right-hand man in domestic affairs.

Mr. Califano said that it had taken the Johnson Administration almost two years merely to find out who were the seven million people then receiving about $4 billion annually in welfare payments; it was not known until then, for instance, that there were only about 50,000 welfare recipients who were actually employable, despite all the loud political charges about bums and freeloaders. No real study of welfare recipients had ever been made.

DIGGING FOR DATA

Similarly, Mr. Califano said, it took almost two years to make the kind of study of housing needs in America that enabled Mr. Johnson to state in 1967 that 26 million new housing units would be needed in the next ten years—an estimate the Department of Housing and Urban Development recently confirmed on the basis of additional data.

When Watts blew up in 1965, Mr. Califano said, a Federal team of about twenty people had to go there just to find out who lived in Watts, and in what conditions. "We know how many children get a piece of paper that says they graduated from elementary school," he went on, "but we don't know what a first-grade education is. . . . In the transportation area, just the Northeast Corridor, while studies have been done of do you want trains, highways, planes . . . I think you will find they are still relatively primitive. . . ."

Yet, he said, if a President asked the Defense Department "how fast and how efficiently can you transport so many troops from A to a variety of countries around the world," he would get an answer of extreme sophistication, with a wealth of detail on all contingencies, close cost estimates for every possible variation, and calculations of expected political effects.

FACTS ARE LACKING

That kind of information is sadly lacking for domestic problems, and the lack all too often paralyzes action, leads to the wrong action, or prevents the right course being found. The subcommittee chairman, Walter Mondale, of Minnesota, concluded that for all the "cold facts" at the Government's disposal, it still was not very good at answering "the strategic questions of how we improve American society."

Or, as Mr. Califano put it: "The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system."

SOCIAL ADVISERS

Senator Mondale is proposing the establishment in the White House of a Council of Social Advisers, and in Congress a Joint Committee on Social Affairs—both on the model of important existing bodies devoted to eco-

nomic matters. Their task would be to develop the social information needed, to speak for social needs in America, to provide for human problems the same background of detailed knowledge we already have on defense and economic questions.

It should be no discouragement to the Monterey servicemen to say that their spirit and dollars, however widely duplicated, will not prevail unless soundly directed. As will be discussed in another article, the sense of urgency they feel is the other ingredient generally missing from a mix that might lead to advancement.

[From the Washington Post, Jan. 7, 1970]

FEDERAL AGENCIES LACK PROPER DATA ON WHICH TO BASE SOCIAL POLICIES

(By Richard Harwood and Laurence Stern)

Joseph A. Califano Jr., once described by someone with a fine metaphorical sense as the Assistant President for Domestic Affairs in the Latter Johnson Era, related a minor irony of his White House days to a Senate subcommittee last month.

As the story went, one day at the White House former Secretary of Health, Education and Welfare John Gardner was asked what kind of Americans were on the receiving end of the $4 billion national welfare roll. Were they blind? Were they children? Were they alcoholics?

The nonplused Gardner confessed that neither he nor anyone else at HEW seemed to have any conception of what the breakdown looked like. Strange to say, it took two years to find out—from the summer of 1965 to 1967.

Of the 7.3 million people then on welfare, Califano told the Senators, "we found out to our amazement that we were dealing only with about 150,000 fathers, so to speak, adult males in the working level age, and of them about 100,000 were so incapacitated that they were beyond the ability to work or be trained."

This left a suspect population of 50,000 able-bodied males on the welfare lists—less than a tenth of one per cent of the total welfare population.

Of the remaining number 2.1 million were women over 65 (with a median age of 72); 700,000 were either blind or so severely handicapped that they couldn't work; 3.5 million were children not supported by their parents; 900,000 were mothers.

Sen. Walter F. Mondale (D-Minn.) reacted with what passes in the Senate for incredulity. Citing President Nixon's espousal of "workfare" as a sine qua non of his welfare program, Mondale observed: ". . . based on these statistics, conservatively 90 per cent of the people on welfare are not employable. They are senior citizens, disabled or they are mothers with large families."

"I assume," he continued, "this mythical, able but unwilling adult male free-loading on welfare is just that, a myth."

As with most friendly colloquies in Senate hearings, this was all aimed at proving a point: there is a towering ignorance in our national information centers of the facts upon which intelligent social policy can be based.

By illustrating, we know how many divorces there are each year. But what kind of marriages are there? We know how much we spend on elementary schools but what is a good second-grade program—and what kind of second grades, or 12th grades, do we have?

Why is it that hunger is suddenly discovered not as an aberration but as a widespread affliction in certain regions and classes of Americans? How can something as massive as an urban riot happen without depositing advance hints of the rising level of social combustion?

As Califano put it, "the disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa . . ."

Mondale has been conducting a personal crusade for a Council of Social Advisers which would have the ear of the President, like the Council of Economic Advisers and like the National Security Council. His bill would set up a national system of social accounts that would calculate, among other things, the effects of such vast federal programs as the Interstate Highway Act on metropolitan areas; the impact of federal mortgage policies favoring the segregated suburbs on the inner city; the degree of achievement in the classrooms.

Califano speaks admiringly of the Pentagon and its sophisticated information systems, its rational decision-making processes. Yet even these systems have brought us such things as the F-111, which loses wings in flight; the C-5A, which does its most spectacular soaring on the cost ledgers, and the war in Vietnam, which refuses persistently to end in victory.

There certainly can be little arguing with the case made by Mondale and Califano for a federal social accounting system—a way of measuring the quality of our institutions and lives.

But there is something a bit scary about the notion, too, a trifle Orwellian. Implicit in the measurement of quality is someone's determination of what is good. Each time the government learns something about our social condition it subtracts from our personal privacy.

The preservation of the village idiot is as much a mark of our freedom as the eradication of the empty belly.

[From the St. Paul Pioneer Press, Jan. 8, 1970]

COUNCIL OF SOCIAL ADVISERS

When the President and members of his Cabinet discuss fiscal and monetary matters, they have the advice of a prestigious group of experts who make up the Council of Economic Advisers.

There is no comparable body to advise on social problems. Senator Walter Mondale of Minnesota, and others in Congress, believe there should be. A Mondale bill calls for a National Council of Social Advisers to keep up a constant study of the total impact on society of various government programs, established to serve a real or imagined need, but often having unforeseen side effects.

Such a council might delve into the social effects of federal highway programs which disrupt urban neighborhoods and shake up development patterns in whole metropolitan areas. It might study the relation of federal mortgage insurance to inner city decay. It might help separate myth from fact in planning reforms of the welfare system. It could try to get an overall view of what is wrong with school systems in the racial ghettos.

There is a towering ignorance in government information centers of the facts upon which intelligent social policy can be based, says Mondale. Joseph Califano, an adviser to President Lyndon Johnson on many domestic matters, put it this way: "The disturbing truth is that the basis of recommendations by the Cabinet officer on whether to begin, eliminate or expand vast social programs resembles the intuitive judgment of a benevolent tribal chief in remote parts of Africa."

This situation exists partly because of an exaggerated national fear of "government planning," not entirely unjustified, of course. States rights philosophy also has retarded better national approaches to social problems such as welfare and the base migration of minority groups into big city concentrations in the past quarter century.

Not many years ago the Mondale proposal would have drawn only skepticism and sarcasm from the public and Congress. But in today's conditions it is at least getting sober consideration, although still considered by some as unnecessary or unrealistic.

Establishment of a Council of Social Advisers of course would not guarantee solutions of complex social problems, any more than the Council of Economic Advisers has completely solved fiscal and monetary problems. But in the latter case, Presidents, Cabinet members and Congress have had the benefit of intelligent, competent advice based on the most authoritative and reliable fact sources. No one would propose abolishing the Economic Council. It has proved its usefulness.

This experience suggests that the Mondale proposal is worth trying. Social problems are infinitely complex and still only vaguely understood. But on their solution or amelioration depends the future stability of America's democratic system of government. The very difficulties of the challenge call for new and special efforts to guide public policies intelligently. A National Council of Social Advisers would be a worthwhile experiment.

THE CASE AGAINST JUDGE CARSWELL

Mr. TYDINGS. I think it important for the average interested American citizen to know some of the reasons why a number of Senators, including myself, are opposing Carswell.

My opposition is not based on any speech or political views he may have had 22 years ago. Most men in public life change in 22 years. My opposition is based on Mr. Carswell's record as a trial judge—and a number of critical questions raised in the hearings which he has left unanswered. This record shows clearly that Mr. Carswell cannot separate his personal views and political prejudices from his conduct and decisions in court where civil rights and minority rights issues are concerned. Time after time where minority rights were concerned, he refused to uphold the laws of Congress, the rulings of his circuit, or the Supreme Court of the United States when the governing principles collided with his own basic prejudices.

He stalled school desegregation cases for years in his court.

He did not believe that black sharecroppers should be registered to vote so he aided and abetted local officials in their harassment of voting rights workers.

He was reversed by the court of appeals on minority rights cases time and again.

He deliberately set $15 filing fees in civil rights removal cases to his court ignoring a decision on the fifth circuit forbidding these filing fees.

He advised local officials of how to avoid and circumvent a decision of the fifth circuit, thus preventing nine ministers from having a hearing and guaranteeing them permanent criminal records.

He stalled and delayed hearings to release students improperly jailed in voting rights drive. And when he finally signed a writ of habeas corpus he cleverly signed a second order remanding the case so the local sheriff could rearrest them the moment they stepped out of jail.

There are many great southern judges and lawyers who are just as "strict a constructionist" as Mr. Carswell but whose records are clear and who are eminent constitutional lawyers and who have demonstrated that they are judi-

cious men able to give any man a fair and impartial hearing. Men like Judge Bryan Simpson of Florida, Judge Braxton Craven of North Carolina, Judge John D. Butzner and Judge Walter E. Hoffman of Virginia, Judge Frank Johnson of Alabama, Judge William E. Miller of Tennessee, Judge Robert A. Ainsworth and Judge John Minor Wisdom of Louisiana—lawyers like Lewis Powell of Richmond, Sam Ervin of North Carolina, L. Richardson Preyer of North Carolina, Ed Wright of Arkansas, and Stephen O'Connell, of Florida, former State Supreme Court judge and now president of the University of Florida.

These are men whose political philosophy you can differ with but whose nomination a fairminded Senator would support because you know above all else they possess judicial temperament—they are fair.

My feeling about Judge Carswell is supported by the testimony of great southern legal scholars like Prof. Von Alstyne of Duke who supported Judge Haynsworth but who said that in Judge Carswell's work "there is simply a lack of reasoning, care or judicial sensitivity overall," or Dean Pollak of Yale who said that in his judgment Carswell is the most undistinguished nominee for the Supreme Court in this century. The Supreme Court has enough problems today.

It is imperative that the man we confirm for life on our highest court is a man whose background and record is of the highest quality—not the most mediocre the President can get away with and still force his confirmation.

Mr. President, I ask unanimous consent that a memorandum of the Leadership Conference on Civil Rights relating to the Carswell nomination be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST JUDGE CARSWELL

After fifteen years on the Court, Mr. Justice Frankfurter summarized his view of the qualifications for a Supreme Court Justice:

"Human society keeps changing. Needs emerge, first vaguely felt and unexpressed, imperceptibly gathering strength, steadily becoming more and more exigent generating a force which, if left unheeded and denied response so as to satisfy the impulse behind it at least in part, may burst forth with an intensity that exacts more than reasonable satisfaction . . . A judge whose preoccupation is with such matters should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him—to make some forecast of the consequences of his action—is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time is the gift of imagination . . . [Judges] must have antennae registering feeling and judgment beyond logic let alone quantitative proof."

The record made before the Senate Judiciary Committee demonstrates that Judge Carswell has not grasped the lessons of history, does not comprehend the philosophy that underlies the Bill of Rights, and is insensitive to the demands that the future makes upon those shaping the present.

The inescapable truth is that Judge Carswell has no claim to distinction in any field. He was not a preeminent figure at the Bar in the mold of Brandeis, he has not been a major political figure in the mold of Hughes, he is not a scholar in the mold of Holmes, and he it not a great judge in the mold of Cardozo. He is instead, in the words of the deans of our two most respected law schools, a man who ". . . has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court. I am impelled to conclude, with all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century, and this century began as I reminded this committee with the elevation to the Supreme Court of the United States of the Chief Justice of Massachusetts, Oliver Wendell Holmes" (Dean Pollak of Yale), and a man with "a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the Court" (Dean Bok of Harvard).

Equally significant is the testimony of Professor William Van Alstyne of the Duke University Law School, a recognized authority on constitutional law. Professor Van Alstyne had testified before the Senate Judiciary Committee in support of Judge Haynsworth, finding him "an able and conscientious judge . . . [whose decisions] even in instances where I could not personally find agreement private or professional with a particular result . . . had been arrived at with reassuring care and reason." But, testifying in opposition to Judge Carswell, he stated that the latter's decisions reflected "a lack of reasoning, care, or judicial sensitivity overall . . . There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction in the Supreme Court of the United States."

Since the hearings on Judge Carswell, the faculty of a number of our leading law schools—Stanford, Harvard, Pennsylvania, and others—have opposed his nomination. Twenty Pennsylvania law school professors put their opposition in the following terms:

"Our examination of his opinions in various areas of the law compels the conclusion that he is an undistinguished member of his profession, lacking claim to intellectual stature . . . We submit that Judge Carswell has failed to exhibit those qualifications which the American people are entitled to expect of a Justice."

Even more compelling than the testimony of these distinguished scholars is the silence of Judge Carswell's supporters. Both supporters and opponents have searched Judge Carswell's decisions with diligence to find an opinion that improved or clarified the law in a significant way. Neither has found a single example worthy of mention to the Judiciary Committee. Even Professor James Moore of Yale, who keeps his treatise on Federal Practice up-to-date by following federal decisions with meticulous care, did not cite a single opinion of Judge Carswell as being particularly noteworthy.

Judge Carswell's utter lack of distinction is sufficient to require defeat of his nomination. The Court is not a training ground for the unproven. It is rather, in Chief Justice Taney's phrase, "Equal in origin and equal in title to the Legislative and Executive Branches of the Government." To such an exalted post Judge Carswell can lay no claim.

Judge Carswell's failure to meet the necessary professional attainments does not exhaust the case against him; it is only the beginning. There is much else in his record which disqualifies. As the Leadership Conference on Civil Rights told the Senate Judiciary Committee when the Judge was nominated for the Court of Appeals last year, "Judge Carswell has evidenced a strong bias against Negroes asserting civil rights claims and has been more hostile to civil rights cases than any other federal judge in Florida during his tenure as a district judge." That assessment was fully justified at the time it was made. Now additional evidence has come to light which makes Judge Carswell's hostility to civil rights incontrovertible—as we shall now demonstrate.

JUDGE CARSWELL'S DECISIONS IN THE AREA OF CIVIL AND INDIVIDUAL RIGHTS

The Leadership Conference on Civil Rights presented testimony to the Senate Judiciary Committee that Judge Carswell had been unanimously reversed fifteen times in civil rights and individual rights cases.[1] Far from negating this testimony, Senator Hruska's "Analysis and Comment," prepared in cooperation with the Justice Department, actually reveals that *there were seventeen cases in this category rather than fifteen.*

The Leadership Conference testimony made clear that the Court of Appeals for the Fifth Circuit had unanimously reversed eight of Judge Carswell's decisions in civil rights cases. Senator Hruska's attempt to answer this testimony by citing "Pro Civil Rights" and "neutral" cases cannot withstand analysis. We so demonstrate beyond peradventure of doubt in Appendix A hereto.

The Leadership Conference testimony also set forth seven habeas corpus and Section 2255 cases in which Judge Carswell had been unanimously reversed for refusing even to hear petitions clearly valid on their face. Senator Hruska's "Analysis and Comment" indicates that we missed two such cases, making a total of nine. Senator Hruska's reliance, to offset these nine reversals, on cases in which Judge Carswell was affirmed is wholly misplaced. Appendix B demonstrates that the law in this area was clear throughout the entire period of Judge Carswell's decisions, and that his reversal record which was in excess of 50%, demonstrates not only incompetence but a total lack of sensitivity to the rights of the individual.

JUDGE CARSWELL'S LACK OF JUDICIAL TEMPERAMENT

Judge Carswell's lack of judicial temperament is vividly shown by his hostile treatment of civil rights attorneys when they appeared in his court.

Norman Knopf, a young Justice Department attorney, who had worked in Florida as a volunteer in 1964, found "extreme hostility" between the judge and northern volunteers. He "lectured a civil rights attorney in a high voice a long time," Mr. Knopf said, denouncing lawyers who come down South to "rouse" the local people.

Professor Leroy Clark of New York University, who supervised the NAACP Legal Defense Fund litigation in Florida between 1962 and 1968, said of Judge Carswell, "he was probably the most hostile judge I've ever appeared before; he would rarely let me finish a sentence." He was "insulting" and "hostile" and even turned his back on Professor Clark when he was arguing a case. "It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel." Professor Clark prepared new lawyers for appearances before Judge Carswell by having them

[1] This compilation of 15 cases does not, of course, include *Gaines* v. *Dougherty Co. Board of Education*, 334 F. 2d 983 (1964), where Judge Carswell, sitting on the Court of Appeals by designation, dissented from the decision of Judges Tuttle and Wisdom ordering that the first, second, and twelfth grades be desegregated; *Martin-Marietta*, where Judge Carswell joined in refusing the grant of a rehearing *en banc* to consider the vital issue of discrimination on account of sex; and *Edwards* v. *State of Florida*, C.A. 1271 (N.D. Fla.), where, almost incredibly, he ignored a habeas corpus allegation that a guilty plea had been coerced.

go through their arguments the night before while he harassed them.

Professor John Lowenthal of Rutgers University testified that when he appeared before Judge Carswell to seek habeas corpus for civil rights workers, the Judge "expressed dislike at northern lawyers such as myself appearing in Florida, because we were not members of the Florida Bar." Members of the Florida bar were, however, unwilling to represent civil rights workers—nor, of course, did Judge Carswell offer to appoint local counsel, as he would have been empowered to do. Finally, attorney Ernst Rosenberger also described various measures taken by Judge Carswell without legal basis to obstruct civil rights workers and their counsel.

Judge Carswell's anti-civil rights bias is evidenced not only by the decisions to which we have already referred and by his hostility to civil rights lawyers, but also by his affirmative efforts to nullify the very rights which it was his sworn duty to uphold.

One such incident involved nine clergymen freedom riders arrested in the Tallahassee airport restaurant. Judge Carswell denied their petition for habeas corpus. The ministers appealed and the Fifth Circuit ordered the Judge to hold an immediate hearing if the State court did not do so. Judge Carswell told Mr. Rhodes, the city attorney, that "if you go ahead and reduce these sentences, then there will be no hearing, there will not be anything. It will be moot." The result was exactly what Judge Carswell sought: the sentences were reduced to the time already served and the clergymen were denied an opportunity to vindicate themselves by a State court judge who told them, "Now you have got what you came for. You have got a permanent criminal record."

The length to which Judge Carswell was willing to go to frustrate the invocation of civil rights may be best illustrated by *Wechsler* v. *County of Gadsden:*

An illegal filing fee was demanded before the petition for habeas corpus by a group of voting registration volunteers was accepted, contrary to *Lefton* v. *Hattiesburg,* 333 F. 2d 380 (C.A. 5).

The proceeding was delayed because the Judge required the petition to be resubmitted on a special form which had been designed for a different class of cases.

The proceeding was delayed further to secure the signatures of the prisoners although the attorney's signature was all that could be required under Rule 11 of the Federal Rules of Civil Procedure.

Judge Carswell told the attorneys representing the civil rights workers that he would try, if at all possible, to deny the petition.

When he finally granted the petition, as the law explicitly required, he violated 28 U.S.C. 1446(f) by refusing to have his marshal serve the writ.

Despite the complexity of the questions posed, without any request from the state and without affording the civil rights workers any hearing whatever, he remanded the case to the state court and made possible their immediate re-arrest.

Notwithstanding the congressional grant of a special right of appeal from civil rights remands, he even refused to stay his remand order, a decision promptly reversed by a single judge of the Fifth Circuit, which subsequently reversed him on the merits.

JUDGE CARSWELL'S PUBLIC STATEMENTS

In his fifty years only two public statements of Judge Carswell have come to public note. The first was in 1948.

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our State. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limit of my ability. I yield to no man as a fellow candidate or as a fellow citizen in the firm vigorous belief in the principles of white supremacy and I shall always be so governed."

This speech cannot be dismissed as youthful folly. Judge Carswell was not a callow youth at the time he spoke those words; he was 28 years old. This speech cannot be dismissed, as Judge Carswell attempted to do, on the ground that it was composed prior to *Brown* v. *Board of Education.* It was not simply an endorsement of the separate but equal doctrine of *Plessy* v. *Ferguson,* which would perhaps be understandable in light of the accepted legal doctrine of the day; rather it was an endorsement of "white supremacy," a legal doctrine that had been repudiated in 1868 with the adoption of the Fourteenth Amendment. The objection to Judge Carswell's speech is not that it failed to anticipate the *Brown* decision six years hence, but that he repudiated the principle of racial equality which had been part of the Constitution for sixty years. Nor can it be dismissed on the ground of necessity; the implication that a candidate could compete for public office only by race-baiting insults the intelligence and decency of millions of white Southern voters, and conveniently forgets the many honorable men who succeeded in Southern politics without descending to the depths reached by the 1948 Carswell speech. Finally, this speech cannot be dismissed on the strength of the Judge's recent repudiation of "racism." That repudiation came 22 years late and was not a voluntary action but rather was compelled by the fact that his statement had been exposed in the press and threatened his promotion to the Supreme Court.

The second Carswell statement is equally revealing. Two months ago, while addressing the Georgia State Bar Association, he told the following story: "I was out in the Far East a little while ago, and I ran into a dark-skinned fella. I asked him if he was from Indo-China, and he said, 'Naw, suh, I'se from Outdo' Gawgee.' " This is a crude play on the dialect attributed to Negroes with the purpose of designating them as inferior persons. It is not the humor of a man who has repudiated racism. It is not the humor of a man whose appointment will bring reassurance to those who hope for a peaceful reconciliation of the races based on trust in the law. Possibly Charles L. Black, Jr., Luce Professor of Jurisprudence at Yale Law School, best explained the significance of this Carswell story in his letter of February 10, 1970, to Senator Eastland:

"The 'darkie story' reported by Newsweek Magazine, evidence coming from only a few months ago, is the act of a man callous as if by instinct to the claims of Negroes to dignity; it brings to mind Plutarch's insight that one can often tell more about a man from some playful action of his than from his great public deeds."

JUDGE CARSWELL'S EVASIVENESS BEFORE THE SENATE JUDICIARY COMMITTEE

In 1956 Judge Carswell, then the United States Attorney in Northern Florida, participated as an incorporator and director in a project to change a municipal golf course into a private segregated golf course as a response to the decision of the United States Supreme Court in *Holmes* v. *Atlanta,* 350 U.S. 879 (1955), holding that a municipal golf course must desegregate, and to a pending case in the United States District Court for the Northern District of Florida, *August* v. *Pensacola* (1956), seeking the same relief. Newspaper accounts, affidavits presented to the Judiciary Committee, and the very timing of the action all make out a *prima facie* case of a conspiracy to violate 28 U.S.C. 241 or 242, see *United States* v. *Price,* 383 U.S. 787 (1966), and *United States* v. *Guest,* 383 U.S. 745 (1966). Thus, either Judge Carswell took part in the commission of a serious wrong, or at the least his lack of awareness of developments around him led him to place himself in a situation of conflict of interest relating to his ability to enforce the law. Neither speaks well of his allegiance to civil rights.

Judge Carswell's involvement in the golf course episode is serious in and of itself; his lack of candor in testifying on his role before the Senate Judiciary Committee is totally disqualifying.[2] There were seven discrepancies and misstatements in his testimony on this episode alone. Judge Carswell first denied and then admitted he was an incorporator of the golf course. Judge Carswell denied he was a director in the face of unanswerable documentary evidence to the contrary. He first denied familiarity with the articles of incorporation and then admitted he had read them before he signed them. He first said the venture involved "repairing the little wooden country club" and then admitted that "there would be things going on around the clubhouse." He denied "racial discrimination among the guests" although affidavits make the contrary wholly clear. He referred to the group he helped incorporate as a "defunct outfit that went out of business," when in reality it simply shifted from a profit to a non-profit corporation. He even said that he "read the story [of the golf course episode] very hurriedly," a wholly unbelievable statement in view of the fact that this episode threatened his nomination to the nation's highest legal office.

It is not only these discrepancies on the golf course episode that remain unanswered on the present record; there is also the testimony of the four responsible and well motivated lawyers who testified before the Senate Judiciary Committee as to Judge Carswell's hostility to civil rights lawyers and his extrajudicial anti-civil rights activities. Judge Carswell's letter concerning the testimony of these four lawyers is a model of evasion:

"Lawyers from all parts of the nation have practiced before me over the years without any suggestion of any act or word of discourtesy or hostility on my part notwithstanding assertions to the contrary. I emphatically deny such episodes on my part to those in civil rights litigation or any other, and this is fully supported by statements in the record by counsel in such cases."

Although Judge Carswell might wish to banish the testimony of these lawyers with the wand of these weasel words, he cannot do so. As one commentator put it, his carefully composed reply comes down to the point that there were no complaints against Judge Carswell except for the complaints.

CONCLUSION

We conclude, as we began, with the words of Justice Frankfurter: "Corruption from venality is hardly more damaging than a widespread belief of corrosion through partisanship. Our judicial system is absolutely dependent upon a popular belief that it is as untainted in its workings as the finite limitations of disciplined human minds and feelings make possible." Just three months ago, the Senate fulfilled its constitutional role as the defender of the integrity of the Supreme Court by rejecting Judge Haynsworth because his conduct gave the appearance of "corruption from venality." The record here demonstrates that Judge Carswell has been

[2] Judge Carswell has demonstrated an equal lack of candor in explaining his actions to the public through the press. Only last Friday, February 13, he "remained unavailable for comment" concerning the racial covenant on the land he joined in selling. Ever since the conclusion of his testimony on January 28, he has refused to explain not only his actions in the golf course episode, but also such other items as his large borrowings and his mistreatment of Civil Rights lawyers.

an undisciplined and injudicious judge who has championed the cause of those who still say "never" to equal rights for Negro Americans and who has been the antagonist of those who ask nothing more than a fair hearing, and a decision responsive to the ideal of equal justice under law.

As to civil rights, Judge Carswell is Judge Haynsworth with a cutting edge. Thus, this nomination threatens the Court with "corrosion through partisanship." At this critical juncture in our history, the threat posed by the nomination of Judge Carswell is even more serious than that posed by Judge Haynsworth's nomination. As Professor Black put it:

"The appointment of such a man would be a wrong to the Court, a wrong to the American people, and a bitter wrong indeed to the blacks of America. Like many others, I have publicly and privately exhorted them to trust to the law for redress of the horrible injustice they have suffered and still suffer. I will continue so to exhort them, whatever the event as to this nomination. But if this sort of judge is to be the sort of judge they will have to rely on in the last resort, I shall have some difficulty looking them straight in the eye as I speak."

APPENDIX A: JUDGE CARSWELL'S CIVIL RIGHTS DECISIONS

Senator Hruska's "Analysis and Comment" makes three points concerning the Leadership Conference's testimony on Judge Carswell's civil rights decisions: First, that the Leadership Conference did not adequately consider what he calls "Pro-Civil Rights" decisions; second, that the Leadership Conference did not adequately consider what he calls "neutral" civil rights decisions; and third, that the Leadership Conference included opinions as "Anti-Civil Rights" which should have been treated as "neutral." None of these points is well taken.

A. *Alleged Pro-Civil Rights Decisions.* At the time of the Leadership Conference testimony, the only case upon which Judge Carswell's supporters appeared to rely was the so-called "barber case," *Pinkney* v. *Meloy*, 241 F. Supp. 943 (1965). The Leadership Conference testimony made clear that this was not a "case" in any true sense, for both sides stipulated the two facts which demonstrated that the barber was covered by the Civil Rights Act of 1964. Senator Hruska's "Analysis and Comment" does not even attempt to answer the fact that the case was stipulated rather than decided.

The other seven cases relied upon by Senator Hruska can give him no greater comfort. We consider them one by one.

Brooks v. *City of Tallahassee*, 202 F. Supp. 56 (1961), is actually an anti-civil rights decision. There Judge Carswell refused to issue an injunction against a restaurant operator admittedly guilty of segregation in the operation of his restaurant at the City of Tallahassee Airport. As Professor Orfield indicated in his testimony to the Senate Judiciary Committee, "A violation of the Constitution apparently demanded more gentle treatment than a violation of a criminal statute."

But this was not the worst aspect of Judge Carswell's handling of *Brooks*. In the last paragraph of his opinion, Judge Carswell suggested that the city could legally avoid integration of the airport restaurant by closing it down. This paragraph of Judge Carswell's opinion in *Brooks* has been removed from the official report of his decision appearing in Volume 202 of the *Federal Supplement*. It does appear, however, in the original, unsanitized opinion reprinted in volume 6 of the *Race Relations Law Reporter*, a publication prepared under the auspices of the Vanderbilt University Law School, at pp. 1099 to 1101. The last paragraph reads in its entirety:

"Nothing contained in this order shall be construed as requiring the City of Tallahassee to operate under lease or otherwise restaurant facilities at the Tallahassee Municipal Airport. See *Boynton* v. *Virginia*, 364 U.S. 454 at 460.

"Done and Ordered in Chambers at Tallahassee this 17th day of October 1961."

Judge Carswell's gratuitous suggestion in *Brooks* is reminiscent of his proposal to City Attorney Rhodes in the clergymen case and his unsolicited remand in *Wechsler*.

Youngblood v. *Board of Public Instruction of Bay County, Florida*, 260 F. Supp. 74 (1964) is also an anti-civil rights decision. Judge Carswell allowed Bay County to use a pupil assignment system which was clearly unconstitutional and violated controlling precedents at the time it was given. The Fifth Circuit held in 1959 that a school board could not assign pupils to segregated schools and make them go through cumbersome reassignment procedures in order to transfer. *Gibson* v. *Board of Public Instruction of Dade County, Florida*, 272 F. 2d 763. The Fifth Circuit reaffirmed this position in 1960. *Mannings* v. *Hillsborough County, Florida*, 277 F. 2d 370, 372. In the face of these appellate decisions, Judge Carswell's decision in *Youngblood* clearly violated the law of his Circuit.

The Memorandum's praise of Judge Carswell, because he refused to adopt *Stell* v. *Savannah Chatham County Board of Education*, 220 F. Supp. 667, is relevant only for what it reveals of the views of the authors of the Hruska memorandum. Judge Scarlett in *Stell* permitted proof that black children were inherently inferior to white children in an effort, nine years after *Brown*, to persuade the Supreme Court to reverse itself. The suggestion that Judge Carswell should be praised for rejecting that decision and that the fact that he approved an illegal plan should be ignored shows how low the standard for appointment to the Supreme Court must be set to accommodate Judge Carswell.

Lance v. *Plummer*, 353 F. 2d 585 (1965), where Judge Carswell sat on the Court of Appeals by designation, simply highlights his own failure as a District Judge in *Due* v. *Tallahassee Theaters, Inc.* In the *Due* case, the Judge dismissed a civil rights complaint against two theater corporations, their managers, various city officials, and the City of Tallahassee, and granted summary judgment to the sheriff, all of whom the complaint alleged had conspired together to keep the movie theaters segregated. Judge Carswell was unanimously reversed by the Court of Appeals, 333 F. 2d 630 (1964). In the *Lance* case, on a similar complaint, Judge Bryan Simpson of the Middle District of Florida, after a full hearing, enjoined a group of sixteen restaurants and motels in St. Augustine, Florida, from refusing to serve blacks and further enjoined a local group from intimidating blacks attempting to utilize these facilities, as well as others with knowledge of his order. When the attorneys for the plaintiffs notified Judge Simpson that a local unsalaried deputy sheriff, Charles Lance, Jr., was continuing to intimidate blacks seeking service, Judge Simpson held he had actual knowledge of the injunction and found him guilty of contempt. The Court of Appeals, in an opinion by Chief Judge Tuttle, upheld Judge Simpson's action with a minor modification. Judge Carswell's failure to dissent can hardly reflect much credit on him when he had been reversed by the Court of Appeals for dismissing an almost identical complaint only a year before. What the *Lance* case really highlights is the difference in loyalty to the Fourteenth Amendment between Judge Carswell and his neighbor, Judge Simpson.

The Hruska memorandum then proclaims the existence of two more pro-civil rights decisions in the following cryptic sentence:

"In two unreported decisions, Judge Carswell enjoined restaurants from discriminating against Negroes. *Lamb* v. *Betts Big T* (1966); *Russell* v. *Ski Line Truck Center* (1969)."

One immediately wonders, since no details or language are given, whether parts of these decisions might reflect adversely on Judge Carswell. But even more significant is the fact that the Memorandum fails to deal in any way with, or even mention, Judge Carswell's other unreported decisions and actions. The Leadership Conference testimony made specific reference to these other unreported opinions in the following terms:

"It is an open secret in this town that there are unreported opinions and actions in the Department of Justice's files of the Civil Rights Division. Those files have never been made available to this committee. I suggest that every case which the Civil Rights Division had in front of Judge Carswell be read by some representative of this committee and be made available to the Civil Rights groups."

In the face of this, the Memorandum's utilization of two of these hidden cases without giving any details and without opening the full files on the other unreported cases can only be treated as an admission that the unreported decisions and actions add further to the anti-Carswell case.

The Hruska memorandum next refers to *Baxter* v. *Parker*, 281 F. Supp. 115 (1968), where a Negro plaintiff brought a civil rights action against the sheriff and deputy sheriff of Dixie County and the County Government alleging that the sheriff assaulted him. Judge Carswell denied the sheriff's motion to dismiss and directed the sheriff to file an answer. But what else could he do? There was no question whatever that the complaint was valid, *Monroe* v. *Pape*, 365 U.S. 167, and Judge Carswell's only alternative would have been to grant the motion to dismiss and invite the same summary reversal that occurred in *Due* v. *Tallahassee Theaters, Inc.*, 333 F. 2d 630 (1964). Only when one contemplates the twenty-two years of Judge Carswell's anti-civil rights speeches, activities, and decisions can it even begin to be comprehended how anyone could feel that this case reflected favorably upon him.

The last "Pro-Civil Rights" decision relied upon by Senator Hruska is *Robinson* v. *Coopwood*, 415 F. 2d 1377 (1969). But it is a clear case of grasping at straws to rely on Judge Carswell's failure to dissent from the following three-sentence per curiam:

"Per Curiam:

"The facts giving rise to this controversy and the reasons given by the district court for its decision are to be found in its published opinion in *Robinson* v. *Coopwood*, 292 F. Supp. 926. Under the particular facts and circumstances of this case, this Court has reached the conclusion that the judgment of the district court should not be reversed. It is, therefore,

Affirmed."

In summary, the so-called eight "Pro-Civil Rights" decisions break down as follows: two are actually anti-civil rights, two are unreported and nowhere explained, two could not be decided any other way, and two were simply failures to dissent on the appellate level where the trial judge had reached the obviously proper result.

B. *Ten Neutral Civil Rights Decisions.* Of the ten cases included in this category by the Hruska memorandum, four (*Wechsler, Steele* (*Leon County*), *Youngblood*, and *Wright*) are, as we shall show in the next section, clearly anti-civil rights decisions. The other six are cases in which Judge Carswell's rulings as a District Judge *against* the civil rights complainants were affirmed by the Court of Appeals, or cases in which Judge Carswell, while sitting on the Court of Appeals, joined in a unanimous decision with "liberal" circuit judges holding *against* a civil rights claim.

The Leadership Conference had not relied upon these six cases and could simply pass them by now. Since they have been put in issue by the Hruska memorandum, we desire to make one point about these cases, especially those where Judge Carswell, as a District Judge, ruled for the defendants in civil rights litigation. There is not the slightest evidence that his rulings would not also have been affirmed if he had ruled for the plaintiffs. In civil rights cases, as elsewhere, the District Judge has a large area of discretion in which either result reached would be affirmed by the Court of Appeals. In these so-called "neutral" cases, Judge Carswell used his discretion against the civil rights claims. Despite that fact, we have not included these cases in the anti-civil rights category, for there is a plethora of material without them.

It might be worth noting at this point, as the Leadership Conference testimony noted, that there is not a single case in which Judge Carswell went beyond the views of his fellow Southerners on the Court of Appeals in upholding a civil rights claim. One will look in vain in the Hruska memorandum or elsewhere for a single sentence or a single word in a Court of Appeals decision suggesting that Judge Carswell might have gone an inch too far in this area. On the contrary, all Judge Carswell's cases are ones in which he was reversed for not going far enough, or in which his decision against civil rights claims was upheld. In this context, affirmances of these additional anti-civil rights decisions can hardly be said to make them "neutral."

C. *Five Anti-Civil Rights Decisions.* The Hruska memorandum concedes five anti-civil rights decisions, four unanimous reversals in the Court of Appeals and a dissent by Judge Carswell sitting by designation on the Court of Appeals. The Hruska memorandum argues, however, that four cases of unanimous reversals by the Court of Appeals relied upon by the Leadership Conference are neutral rather than anti-civil rights because they were reversed on the ground of intervening decisions. As we shall show, however, Judge Carswell's decisions in these four cases were reversible on principles announced by the Court of Appeals *prior* to his decisions, and the Court of Appeals simply referred to the latest decision in the area as the one he was to follow in further consideration of the case.

Little further time need to be spent on *Wechsler* v. *County of Gadsden*, 351 F. 2d 311 (1965). We show in the body of this memorandum, "The Case Against Judge Carswell," the legion of errors made in this case. The complexities in this area reflected in the Supreme Court's opinions in *Rachel* and *Peacock* cannot obscure Judge Carswell's several plainly unlawful and erroneous actions, and indeed he was reversed on his refusals to grant a stay as well as on the merits.

In *Steele* v. *Board of Public Instruction of Leon County*, 371 F. 2d 395, the Hruska memorandum relies upon the fact that the intervening *Jefferson* case is referred to in the Court of Appeals' unanimous reversal of Judge Carswell. But Judge Carswell's 1963 order in *Steele* violated the controlling precedents in *Gibson* and *Mannings* just as much as it violated *Jefferson*. Furthermore, as pointed out in the Leadership Conference's testimony, when the Negro plaintiffs sought to reopen the Leon County plan on April 19, 1965, Judge Carswell refused to hear the motion on the ground that "it would just be an idle gesture *regardless of the nature of the testimony.*" It is difficult to think of more obvious reversible error.

Finally, the Hruska memorandum argues that *Youngblood* and *Wright* should not be held against Judge Carswell because the Court of Appeals unanimous reversal referred to the intervening decision of the Supreme Court in *Alexander* v. *Holmes County Board of Education*. But in both cases, like the previous two, Judge Carswell had failed to follow the law as it stood at the time he acted. The *Washington Post* put it well in its editorial on Judge Carswell's three major school cases:

"Eventually, of course, Judge Carswell was reversed in all three cases. It is true, as Senator Hruska's memo argues, that these reversals referred the judge for instructions to an opinion actually written after he had made these decisions. But it is also true that he had available to him earlier instructions in the form of decisions by the Supreme Court and the Fifth Circuit Court taken before he acted, which had made it crystal clear that his orders in all three cases did not meet the test the higher courts were then requiring.

CONCLUSION

Nothing in the Hruska memorandum in any way detracts from the Leadership Conference position that Judge Carswell was unanimously reversed eight times in civil rights cases and indeed the Hruska memorandum admits that this was "technically true." Nothing in the Hruska memorandum sets forth any true "Pro-Civil Rights" action. And the "neutral" cases to which the Memorandum refers, are, as we have shown, actually *neutral against civil rights.* If anything, the Hruska memorandum has buttressed the case that the Leadership Conference made before the Committee on Judge Carswell's civil rights decisions.

APPENDIX B: JUDGE CARSWELL'S HABEAS CORPUS AND SECTION 2255 CASES

The basic case against Judge Carswell in his handling of habeas corpus and 28 U.S.C. 2255 cases—that he ran roughshod over the rights of persons seeking a hearing—was made in the testimony of the Leadership Conference to the Senate Judiciary Committee. Far from rebutting this charge, the Hruska memorandum, prepared in cooperation with the Justice Department, confirms it.

The Leadership Conference set out seven of these cases in which Judge Carswell had been unanimously reversed. The Hruska memorandum points out two more, which we had overlooked because of lack of time to research the subject fully:

Rowe v. *U.S.*, 345 F. 2d 795 (1965) and *Cole* v. *Wainwright*, 397 F. 2d 810 (1968).

Thus there are nine, not seven, unanimous reversals in this area.

The Hruska memorandum attempts to excuse Judge Carswell's failure in this important area of law on two grounds: 1) the law was unclear; 2) he was also affirmed in a number of these cases.

The first attempted defense is specious. The only confusion in the law, as it relates to these cases, is that created by the Hruska memorandum in an attempt to cover up Judge Carswell's record.

The treatment of the case of *Townsend* v. *Sain*, 372 U.S. 293, 1963), on which the Hruska memorandum relies to explain Judge Carswell's poor performance, proceeds from a misinterpretation of the opinion and decision.

The Hruska memorandum takes the view that *Townsend* set new standards for habeas corpus hearings. Whether it set them or clarified them is open to debate, but irrelevant to the issue here. One of these "new" standards, according to the memorandum, is supposed to be that quoted in the memorandum, as follows:

"Where the facts are in dispute, the federal court on habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court, either at the time of trial or in a collateral proceeding." *Townsend* at p. 312.

The foregoing is presented as a holding adopted 5 to 4. This is pure fabrication. The principle set out in the quoted language was accepted by Justice Stewart and the other dissenters. Thus as to this, the Court was unanimous. The Stewart opinion (joined by the other three Justices in dissent) says:

"I have no quarrel with the Court's statement of the basic governing principle which should determine whether a hearing is to be had in a federal habeas corpus proceeding: 'Where the facts are in dispute, the federal court on habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court, either at the time of trial or in a collateral proceeding.' " *Townsend, supra,* 326–7.

In reality the dissenters' exceptions to the majority opinion were on two grounds: 1) the court should not have spelled out in detail all the standards to guide the lower courts in habeas cases. 2) The state courts had given the petitioner a fair and full hearing on the issues he raised, in accordance with the principle enunciated in *Townsend.* These exceptions are, of course, irrelevant here.

In the light of the clear state of the law, as enunciated by a unanimous Supreme Court (it must be noted that eight of the nine reversals of Judge Carswell came after the *Townsend* decision), one could expect a high percentage of affirmances in the routine handling of such cases. Yet the maximum claim for Judge Carswell, as arbitrarily inflated by the Hruska memorandum, is nine such affirmances as against the nine reversals set out in the record.

While it is true that the nine cases the Hruska memorandum relies on were affirmances of Judge Carswell's decisions, it is plain that the total was arrived at by "padding" the record:

The language of *Batson,* 304 F. 2d 459, indicates the petitioner waived the rights he relied on in open court. Thus he in effect stipulated his case away. Therefore, it should be disregarded.

The *Gant* case, 308 F. 2d 728, was not treated under Section 2255, but as a motion for correction of sentence. Unless we want to open up a new area of inquiry, this too has to be disregarded.

The *Young* case, 337 F. 2d 753, was decided by the Court of Appeals on an entirely different basis than that of Judge Carswell's decision—on the issue of jurisdiction, which the Judge apparently did not even recognize as being presented when he had the case. It is quite clear from the issues raised, and from the Rives' dissent, that Judge Carswell would have been reversed had the court reached the merits, on which the Judge's decision was rendered.

This leaves six affirmances with any substance whatever. A quick look at them reveals that none presented any substantial legal issues—that the records on their faces required dismissals of the petitions. This is accentuated by the opinions in the Court of Appeals, generally short per curiams. They were the type of cases in which no judge much less a judge inclined to deny individual rights, could err.

This record—six affirmances against nine reversals—is on the surface a shockingly poor one. It becomes even more alarming when one considers the origin of most of the cases.

It is well known that one of the chief activities of some prisoners is the preparation of petitions for writs of habeas corpus for themselves or fellow inmates—the so-called "jail house lawyers."

A study of the Carswell cases listed by the Leadership Conference and by the Hruska memorandum in the habeas corpus-Section 2255 area shows that most were presented *pro se.* Four of the Memorandum's six actual affirmances were ones in which the petitioner was unrepresented. And of the nine reversals, seven listed by the Leadership Conference and two by the Memorandum, in only two (*Cole* and *Dawkins*) were the litigants represented by counsel. Thus, in seven out of eleven "pro se" cases, the "jail house lawyers" prevailed over Judge Carswell in their legal arguments. To us this means one of two things:

either Judge Carswell is remarkably weak in his legal judgment in this phase of law or he is so callous to the rights of prisoners that he allows his legal judgment to be overpowered by his prejudices.

In the effort to justify Judge Carswell, the Memorandum notes that a fellow judge, Judge Simpson, was reversed four times in habeas cases. But, as the Memorandum is free to concede, two of these reversals were because he granted hearings where he should not have and two were for not having granted them. As compared to the record of Judge Carswell—all reversals for denials of rights—this is certainly more balanced, indicating a judge with an open, rather than closed, mind on the subject.

With respect to Judge Carswell's "liberal" ruling in the *McCullough* case, the only comment necessary is that in the absence of a Supreme Court or Fifth Circuit precedent on the subject, he had little choice but to follow the available appellate precedent—that of the Fourth Circuit.

The Hruska reference to Judge Carswell's record over eleven years is misleading. Eight of his nine reversals were in the period 1965–1968. Their frequency in this period of time appears to indicate a defiance of the appellate court, in that each was reversed on the same ground—a ground on which the higher court had given Judge Carswell ample notice of its attitude.

The conclusion is plain—that the further one searches into Judge Carswell's record, the more convincing is the case against him.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE—ADDRESS BY SENATOR RALPH T. SMITH

Mr. MURPHY. Mr. President, last night my distinguished colleague, the Senator from Illinois (Mr. SMITH), was privileged to be guest speaker at the 52d anniversary celebration of Lithuanian independence.

Senator SMITH has, I believe, expressed the continuing support of this body for the restoration of freedom to Lithuania and her sister captive nations.

Mr. President, I ask unanimous consent that Senator SMITH's remarks and the text of House Concurrent Resolution 416, to which he referred, be printed in the RECORD.

There being no objection, the address and concurrent resolution were ordered to be printed in the RECORD, as follows:

LITHUANIAN DAY SPEECH OF SENATOR RALPH TYLER SMITH

It is an honor for me to be included in your anniversary program and salute gallant Lithuanians everywhere, as well as the peoples of other Soviet Russian captive countries who are continuously fighting for freedom, self government, and independence.

As your Senator I have urged that the Voice of America beef up its broadcasts to Lithuania, Latvia and Estonia. I believe that the United States Information Agency must effectively counterattack Soviet Russian propaganda throughout the world. You, my fellow citizen, know from personal experiences Soviet Russian betrayal. I believe that only by maintaining superiority in economic, political, and military fields can we protect our freedom and produce the restoration of freedom for the Lithuanian and the other captive nations of Communism.

Through diligence the United States must work for the restoration of freedom to the people of Lithuania.

This anniversary occupies a special place in the minds of men to whom the pursuit of personal freedom and national independence is a noble and continuing purpose.

Despite the Soviet Russian oppression the light of liberty still flickers strongly in Lithuania and in the other Baltic nations throughout Eastern Europe, as was shown in Czechoslovakia just over a year ago.

So I call on Americans of all nationalities to join with American Lithuanians today in recognition of the anniversary of their independence. It was just 52 years ago that the courageous people of Lithuania won back their freedom and established the independent Republic of Lithuania.

The Declaration of Lithuanian Independence on February 16, 1918 was the culmination of many years of struggle and planning—hope and frustration.

Lithuania has had a glorious history as a citadel of Christianity, but almost continually the Lithuanian people have been dominated by larger powers from all sides, the Polish, the Germans and the Russians. Then it wasn't until the first World War defeat of Germany coupled with the internal revolution in Russia that the time seemed favorable for the Lithuanians to retake their place as the free and independent people they had so long dreamed of being.

The period of independence, during which the nation thrived, saw progress in many areas. The Lithuanian people instituted land reform, reestablished industry, set up transportation facilities, enacted social legislation, and expanded their educational institutions. Lithuania was finally free after all these years and her hardy people could select their own leaders, speak openly on the issues without sinister reprisals by the secret police, and worship in their own Christian tradition.

In short, Lithuania was established and functioned along the lines of the American system—she grew close to America—many people called Lithuania "little America." Lithuania's people lived happily and were content with their freedom—they wished evil to no one and committed no wrong against others. Lithuania was determined and wanted to live as a good neighbor and adopt a "mind your own business" policy.

But this new independence was to last only 22 years until the life of this proud nation was snuffed out in 1940 as Lithuania was declared constituent republic of the USSR by the Russian dictators in Moscow.

I will not repeat the sordid history of Soviet duplicity, infiltration and aggression which against brought slavery, but I must mention that Soviet Russia has deported or killed over 25 percent of the Lithuanian population since their 1940 invasion.

Though their freedom was destroyed and their independence denied when the Soviet Russians moved troops into Lithuania and the neighboring republics of Latvia and Estonia, the Lithuanian people at home and abroad, supported by freedom loving friends throughout the world, have never surrendered their commitment to freedom.

On this 52nd anniversary the most fitting commemoration we can offer to the brave citizens of Lithuania, the heroes who have died in the quest of Lithuanian liberty, and the countless relatives and friends of Lithuania in the United States, is the reaffirmation that the cause of freedom has not been forgotten and the struggle for freedom will continue until won.

You will recall that it was the government of the United States that was the first in line, in 1940, with a strong and unequivocal denunciation of the Soviet seizure of the Baltic states. Our government's statement of July 23, 1940, has become known among the Baltic people as the Freedom Charter of the Baltic States. It states:

"The political independence and territorial integrity of the Baltic Republics, Lithuania, Latvia and Estonia, were to be deliberately annihilated by one of their more powerful neighbors.

The government and the people of the United States are opposed to predatory activities, no matter whether they are carried on by those who use force or the threat of force.

They are likewise opposed to any form of intervention on the part of any state however powerful in the domestic concerns of any other sovereign state however weak.

The United States will continue to stand by these principles because of the conviction of the American people that unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law, in other words, the basis of modern civilization itself cannot be preserved."

This doctrine of 1940 has been echoed many times by the United States government. I remind you of the statement made by President Nixon and I quote:

"In committing aggression against the Baltic countries, the Soviet Union violated not only the spirit and letter of international law but offended the standards of common human decency."

The original United States doctrine of the non-recognition of the fruits of the crime to the culprit has since been amended to even stronger policy of liberation or the doctrine of restoration of stolen goods to the lawful owners which hopefully will speed the return of freedom to countries forcibly deprived of it.

As you know, American Independence Day which we celebrate on July 4th, commemorates the signing of our Declaration of Independence in 1776. We are fortunate because we are still free. We are fortunate because we have the opportunities offered only in America to be anything we want to be. We are fortunate because we can cast a secret vote for our leaders without anyone looking over our shoulders. We are fortunate because our nation remains free and unswervingly dedicated to the defense of freedom everywhere.

Certainly all Americans believe in freedom, and the struggles endured by our forefathers. Self determination, freedom, and the desire for independence, won for us in these United States, by great sacrifice, and sustained by a determined vigilance and a dedication to these principles for which men continue to give their lives and their fortunes, must not be denied to any nation whose spirit is bolstered by the hope that the United States will advance their case.

To retreat from this challenge is to diminish our own security as a free nation.

We can be proud as a nation that we have never recognized the Soviet Russian grab of the Baltic states. We can be proud that we continue to accredit the governments-in-exile as the official representatives of the Lithuanian, Estonian and Latvian people. We must on every possible occasion join you in dramatically reminding lovers of liberty and freedom throughout the world that slavery dominates many smaller nations in central Europe enslaved by the International Communist conspiracy. The United States must continue to lead the fight to restore freedom to these liberty loving nations.

Only the people of Lithuania know the burdens, the heartbreaks and the sufferings which have been endured since Soviet Russia lowered the yoke of oppression on her shoulders. Let us hope that soon the great Lithuanian nation can again be restored to her rightful heritage of liberty and independence. Much can be accomplished by supporting the programs of Lithuanian American organizations and the Assembly of Captive Nations, just as we are doing today in commemorating this anniversary.

I shall dedicate my own efforts to obtaining positive action wherever possible to once again permit the sons and daughters of Lithuanians to regain their long sought independence, and to have the rights and blessings of a sovereign nation restored to them.

HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspiration of the Baltic peoples of self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CANCER VACCINE IS A HOPE BY 1973

Mr. YARBOROUGH. Mr. President, I doubt that anyone will dispute that cancer is one of man's most dreaded diseases. Indeed, I can think of no other disease that produces as much fear and terror when it strikes our loved ones as does cancer. Statistically, it is second only to heart disease as the leading cause of death among Americans.

Thus, I was very pleased to read in the January issue of Family Health that scientists may be on the verge of discovering a cancer vaccine. There is hope that preliminary human tests of such a vaccine could be conducted within 3 years. I sincerely hope that it will prove so.

At the present time, all that can be done about cancer is to find it as soon as possible and treat it with drugs, radiation, and surgery. Early detection is the key to survival. While in the early 1940's, only one cancer patient in five lived 5 years or more after diagnosis, today, one in three survives for at least 5 years.

The key to a cancer cure seems to rest in the determination of its cause. And, there is a growing body of opinion that viruses do cause at least some types of human cancer. If this be so, a cancer vaccine seems definitely possible.

Mr. President, because I know that we are all so vitally interested in the battle against cancer, I ask unanimous consent that an article entitled "A Cancer Vaccine by 1973?" written by Edward Edelson, and published in the January issue of Family Health, be printed in at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CANCER VACCINE BY 1973?

(By Edward Edelson)

Scientists may be on the verge of attaining one of the most sought-after goals in medicine—control of cancer.

It could take the form of vaccines to prevent specific malignant diseases, such as leukemia and cervical cancer. The first steps toward an experimental vaccine are being taken, and human testing on a small scale could start as early as 1973, if everything goes perfectly.

Or cancer control could come from a single injection designed to prevent all forms of the disease. This approach is considerably more controversial than the specific vaccines, but in the opinion of some cancer researchers, it is the real solution to the problem.

The key to both possibilities is the link between viruses and human cancer. For years, almost no one accepted the idea that there was any association. But a little more than five years ago, the evidence became so convincing that the federal government launched an unusual two-stage research program; its aim was to prove whether viruses do cause human cancer, and if this was proved, then to do something about it.

This Special Virus Cancer Program is being handled in much the same way as the project that, in less than a decade, enabled the United States to land men on the moon. Instead of testing one component at a time and waiting to see if it worked before going on to the next, Project Apollo engineers saved years by testing them all together in a single rocket launch. In the same way, the virus cancer program is proceeding on a dozen different fronts at once—and if one approach begins to show promise, resources are promptly shifted into it from less hopeful areas.

By this technique, program officials say they've achieved in two years what might have taken 10 or 15. Some large questions remain to be answered, but most scientists are convinced, first of all, that viruses do cause at least some human cancers. And effective ways to stop these viruses are within sight.

Right now, all that can be done about cancer is to find it as soon as possible and treat it with drugs, radiation, and surgery. Early detection has paid large dividends. In the 1940s, only one cancer patient in five lived five years or more after diagnosis. Today, one in three survives for at least five years.

But there is a narrow limit to what can be done after cancer strikes, and it appears that we are now close to the wall. The cancer survival rate, after moving up steadily for two decades, has not changed since 1956. The new frontier in research is prevention, not treatment.

After a long, slow, agonizing start, the push toward prevention is now in high gear. One thing that held it back for so long was the difficulty in determining the cause of cancer—or, rather, in wading through a confusing abundance of suspected causes. Radiation, sunlight, dyes, any number of chemicals—dozens in cigarette smoke alone—have been shown to cause cancer in humans or animals. In some animal experiments, even simple irritation of the skin can start a wild, relentless growth of malignant cells.

And then there are the viruses. These exceedingly small particles, which straddle the border between living and nonliving things, are actually parasites. They can reproduce only in living tissue, and are found in almost every living being, plant, and animal. Until very recently, viruses were difficult to detect and hard to cultivate in the laboratory.

For a long time, there seemed to be no reason for suspecting them as a cause of cancer; in fact, there were ample reasons against it. For example, most known viral diseases come in epidemics—they are obviously "catching." Nobody had even seen any hint that cancer is contagious. Furthermore, cancer is predominantly a disease of old age, while the known viral diseases have no age boundaries (although many of them tend to be less common with increasing age simply because people develop immunity by having them in childhood).

For these and many other reasons, scientists rejected the idea of a cancer-virus link even when suspicious evidence did begin to appear. In 1911, Dr. Francis Peyton Rous of the Rockefeller Institute reported that he had transmitted cancer from one chicken to another by injection. The key had to be a virus, because the fluid he injected had been strained so that everything larger than a virus had been removed. Yet Dr. Rous' report was greeted with hostile silence. Physicians then were convinced that cancer was not contagious, and they were simply not persuaded that Dr. Rous' finding were significant enough to divert research from its traditional channels. Eventually, Dr. Rous was to get the Nobel Prize for his work—but not until 1966, more than half a century after his initial report on transmitting cancer.

In the years between, scientists began finding literally dozens of cases of virus-caused cancer in animals. Viruses were isolated from diseased animals, grown in the laboratory, and injected into other animals to produce cancer. Viruses were shown to be responsible not only for "solid" tumors but also for leukemias—the uncontrollable fatal disorders of the white blood cells—in rats, rabbits, frogs, hamsters, and other species. But for years, try as they would, scientists couldn't add people to the list. They simply could not detect any cancer-type viruses in human cancer patients. Some researchers began to speculate that if viruses caused cancer, they must do it in hit-and run fashion, so that by the time a person had cancer and someone tried to find the virus, it had done its work and fled. Others believed their failure to find viruses was a simple matter of imperfect detection methods. Finally, in 1957, Dr. Leon Dmochowski of the University of Texas M. D. Anderson Hospital and Tumor Institure at Houston turned his powerful electron microscope on the tissue of human leukemia patients—and found viruslike particles. Other scientists immediately began looking for and finding such particles.

This became an important turning point; evidence implicating viruses in human leukemia piled up. By 1964, the National Cancer Institute became so convinced that it asked Congress for a special research appropriation. It got $10 million for the first year, and the Special Virus Cancer Program was under way.

It's now a major international effort. In addition to hundreds of researchers at the National Cancer Institute, the work is being done in nearly 100 U.S. laboratories under contract to NCI. And dozens of other laboratories in the United States and abroad are handling special aspects of the problem.

Time is of the essence. Dr. Frank J. Rauscher, Jr., the scientist-administrator who heads the program, says, "The measure of success here is: can you do it quickly? It sounds cornball, but this is a people program, and people are dying of these diseases while we're working."

The time element is not just a matter of days or years but, in many aspects of the work, hours. For example, one evening recently, scientists at the Maywood, N.J., laboratory of Chas. Pfizer & Co., a major NCI contractor, received a call from a Salt Lake City physician who is one of many cooperating in the work. The physician had just

diagnosed leukemia in one of his patients and was about to start drug treatment. For cancer virus research, it is important to get cell samples from the patient before he gets any drugs. So by 5 a.m. the next day, a Pfizer representative was on his way to Salt Lake City for the samples.

Such samples become the raw material for research all across the country. At the Maywood lab, they are spun in an ultra-high-speed centrifuge developed at the Atomic Energy Commission's Oak Ridge (Tenn.) National Laboratory. This forces out all material except the crucial viruses themselves. This provides "starter material" to be put in special solutions that allow them to reproduce and multiply. Samples of these viruses then can be sent to researchers in other labs who will use them for a variety of different studies. This is one of the ways researchers in unrelated institutions are working as a single team to achieve the goal of a cancer vaccine.

In their efforts, the vaccine researchers are concentrating on three viruses as the source of potential vaccines. No one knows how many viruses there are, but the number must be huge. For instance, more than 100 are known to be involved in the common cold alone. Quite a few viruses are known to be associated with animal cancers; three are suspect in human cancers.

But the three viruses on which the vaccine research is now focused have one important thing in common: they have actually been found in human cancer tissue or in the blood of large numbers of people with cancer.

The first of the three is called the Epstein-Barr virus, after the two scientists who discovered it. It apparently causes a peculiar tumorous disease that accounts for half the cancer deaths among African children. It's also been found in people with Hodgkin's disease and one form of childhood leukemia. In these diseases, which are usually fatal, the white blood cells proliferate wildly and uncontrollably unless slowed down by drugs and radiation.

Scientists are also fairly sure that the Epstein-Barr virus (or EBV) also is the cause of infectious mononucleosis. "Mono" is a distressing—but definitely noncancerous—disease in which the white blood cell count increases slightly and briefly. Otherwise, mononucleosis and cancer are quite unrelated.

The EBV is now the prime candidate for a cancer vaccine. Researchers are working on ways to produce a killed-virus vaccine, similar to the Salk polio vaccine. The virus for such vaccines is killed so that it doesn't infect anybody. But the dead virus still retains the ability to awaken the body's defenses and trigger the production of antibodies, which fight off live viruses if the vaccinated person is exposed to them.

If all goes well, a vaccine that hopefully would protect against Hodgkin's disease and certain forms of leukemia could be available for testing in animals by next year. And if those trials succeed, human testing could start in as little as three years from now. It would take about five years of human testing for scientists to be sure of the results of the tests, so that they could proceed with widespread immunization among the general public.

The second virus involved in cancer vaccine research is called herpes type 2 (for lack of a better name). This virus (and the EBV) happen to resemble the herpesviruses, which cause cold sores, shingles, skin eruptions, and a variety of noncancerous illnesses. The two cancer viruses are not really related to the common herpesvirus.

Herpes type 2 has been found in a high percentage of women with cervical cancer. Some scientists believe that the virus is passed during intercourse, one reason being that nuns hardly ever get cervical cancer but prostitutes often do. A vaccine made from this virus could become the first preventive measure against a solid cancerous growth—as distinct from the leukemias or blood cancers.

The third and final virus undergoing concentrated research is quite different from the first two. It's "the C particle," and it's a viruslike organism, one of three similar ones originally obtained from animal cancers.

The C particle is, for several reasons, the most interesting—and frustrating—of the organisms under study. It doesn't act quite like an ordinary virus, which usually invades a cell, takes over the cell's production facilities in order to make more viruses, then bursts and spills out its offspring viruses when the cell's manufacturing capacity is exhausted. Instead, the C particle often enters a cell and just disappears. It doesn't even seem to be able to reproduce without the aid of "helper viruses." And it spreads in an unusual way. Most viruses move horizontally from person to person, by coughs, sneezes, or in water and food. The C particle appears to travel vertically, from mother to unborn child. The particle has been found to cause a number of different kinds of cancers in animals, and recently investgators have found human cancer cells with C virus in them.

Some cancer vaccine experts believe the C particle holds the ultimate answer to preventing all forms of cancer. One of the leading supporters of this view is Dr. Robert J. Huebner, who heads the solid tumor section of the government's Special Virus Cancer Program.

Dr. Huebner's approach is quite different from that of the other vaccine researchers. He believes that all animals and all humans are born with the C particle. Ordinarily, it doesn't do much. Something keeps the lid on it. But this something—which scientists call a repressor—sometimes stops working, and the C virus becomes active. The result is cancer.

To support his view, Dr. Huebner points out that cancer is primarily a disease of old age. Apparently, the repressor wears down or somehow stops doing its job as the years go by. In animal experiments, the government scientist has been able to find out how much repressor there is, and in animals that are specially bred to be prone to cancer, he finds little or no repressor.

But other things besides old age could release the C particle—such as radiation, sunlight, chemicals—which would account for cancers among the young. In Dr. Huebner's view, this means that there is no such thing as a bewildering variety of cancer causes. The C particle is the only cause; other things merely "switch it on."

There would be little point in producing a vaccine against the C particle, if everybody does indeed have it, as Dr. Huebner believes.

Scientists debate whether an ordinary type of vaccine would work if the C particle is at the root of all cancers. Dr. Huebner, for example, says that if people are born with a C particle, they must be born with some tolerance to it and would merely reject the vaccine. Instead, he would like to start a program to find out what represses the C particle. Then an injection of the repressor could be used to control cancer.

"I feel we should do a moon-shot kind of effort on this to see if we're right," he says. "It wouldn't have to take very long."

Whether the repressor approach or the vaccine technique turns out to be the "right" one is indeed important. But what matters even more is that some cancers and perhaps all cancer may be preventable in this decade, by one means or another. Says Dr. Rauscher, who is in charge of the government's all-out cancer virus effort, "That's what this program is all about."

PROBLEMS OF THE ELDERLY

Mr. MONDALE. Mr. President, it is distressing to note that the administration's priorities give insufficient attention to the problems of the elderly. Last year, for example, the budget request for the Administration on Aging was down about $3 million from the fiscal 1969 level. And the fiscal 1971 budget request is still about $2 million below the 1969 level for the same programs. So we are not keeping pace with inflation and indeed, are falling behind on these important programs.

One important feature of the Older Americans Act is the support of volunteer programs providing assistance and just plain companionship to the elderly. The Minneapolis Tribune recently published an excellent series of articles by Jack Miller telling what it is like to be old in Minneapolis. These articles show how inflation, which hurts everyone, is a particularly cruel problem for the elderly on fixed incomes. They also emphasize that one of the leading problems for the elderly is loneliness. This underscores the need for generous support of programs to meet this need.

As dramatized in these articles, housing and medical care are also prominent concerns of the elderly. The administration's tight money policy has been drying up housing programs, which are so badly needed for the elderly. And the rising costs of medical care, much of which is not covered by medicare, are proving too much for those on fixed incomes. The administration's decision to increase medicare premiums can only make matters worse if it is not stopped by the Congress, as I have proposed.

Mr. President, I ask unanimous consent that the series of articles on "The Elderly" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

I. THE ELDERLY: INFLATION ADDS TO THEIR WOES—AT 79, HER COMPANION IS FEAR—LIKE MANY OF THE AGED, CITY WOMAN IS POOR AND LONELY

(By Jack Miller)

In the dark, musty hallway of an old brick apartment house in south Minneapolis, the door of Apt. 4 opened just wide enough for Mrs. S to peek out.

She was expecting a visitor, but she still was cautious.

"You daresn't open the door to just anyone, you know," she said with a smile.

Mrs. S, a 79-year-old great-grandmother with white hair who smiles a lot, lives alone and in fear.

She told how an elderly woman friend recently got knocked down, beaten and robbed nearby. Young toughs, in the area, she said, "are always after the old people, you know. I guess it's because we're so helpless."

In the days when she had a family and friends and lived in northeast Minneapolis, Mrs. S used to be an avid card player. Now she plays solitaire.

And she sits, sewing, for hours in front of an old console TV with a snowy picture. "I don't know what I'd do without that TV," she remarked.

As supposedly simple a task as taking out the trash and going to the laundry room is an ordeal for Mrs. S. The reason: She must navigate two flights of outside cellar steps coated with ice.

And even small trips are a major undertaking because, though her health is good, she lives in dread of a fall.

In the summer, she is able to take her little car a few blocks to the supermarket. Now, with the snow and ice, she doesn't dare. She must wait for help from some relative or friend. Sometimes she waits a long time.

During the bus strike, she fell and cracked her wrist. She waited weeks before going to the doctor because his office is in her old neighborhood in northeast Minneapolis.

Like many of the elderly, she lives on an income so low that the 30 cents for bus fare is a major expenditure. She gets $111 a month from Social Security. The housing authority supplements this with $32 a month in rent aid (she pays another $43) and she gets $18 a month in food stamps worth $24.

Yet she doesn't complain. "I manage to get enough to eat," she said with a smile, as the delicious smell of homemade pea soup wafted from the stove.

What she does miss is the companionship of people—someone to play cards, someone to talk.

She'd love to get into one of the high-rise buildings for the elderly. But she said with resignation, "I've had my name on the list it'll be six years next September."

A recent report by a committee of the Hennepin County Health and Welfare Council concluded that lack of adequate housing is the No. 1 problem of this area's elderly even for those who have the money.

Despite the 2,800 units of elderly housing built in the last 10 years, there are still 3,000 individuals or couples on the waiting lists for elderly housing.

But if an older person has an income of more than $2,400 ($3,200 for a couple), he isn't eligible.

"It's a sad commentary," said the Health and Welfare Council report, "when persons whose incomes put them just beyond eligibility for public housing request that their company pensions be lowered so that they may become eligible. . ."

In general, the report says, housing "choices tailored to the needs and desires of individual older persons do not exist" in the county.

From findings of the council committee, of the Minneapolis Age and Opportunity Center and various public bodies, it is clear that in addition to problems of income and housing, if you're elderly and living in the Minneapolis area, the chances are that:

You have serious transportation problems. You find bus service inadequate. Taxicabs, when you can get them, strain your budget.

You have difficulty getting adequate health care, in spite of medicare and Medicaid, because of the fragmented medical-care system. And you may well be strained with medical bills not paid for under medicare.

If you are ill, you don't have the option of being cared for at home, and you face the prospect of a hospital and nursing home.

You live in dread of having to go into a nursing home, where, critics have charged, the care is sometimes substandard and where you'll probably have to receive welfare aid.

You may not be getting good, nutritious meals.

You are cut off from the mainstream of community life, from friends, from employment and from previous associations.

You sometimes feel, as Minneapolis senior-citizen leader Daphne Krause has put it, that society has given you "a dying role instead of a living one."

II. The Elderly: Inflation Adds to Their Woes—Man Conceals Age To Work At 72—Medical Costs Tarnish Golden Years

(By Jack Miller)

When he reached retirement age, Bill K didn't quit.

"I don't believe in retirement," he said emphasizing the point with his pipe. "As soon as the average person retires, he stops abruptly—he has nothing to live for."

So at 72, Bill keeps on working. For years a newspaperman for two of the biggest chains in the country, Hearst and Gannett, he's now employed as a buyer in Downtown Minneapolis.

But to keep his job, he has to conceal his age. ("If they knew I'm over 65, I'd be out on my ear.")

And though he works a full 40-hour week, he brings home only $112 every two weeks.

For Bill and his wife, the older years have been more grim than golden.

Their apartment is on the third story of a roach-ridden old building where the police are always having to come to quiet the drunks.

Mrs. K, who is recovering from major cancer surgery, can barely make it up and down the stairs.

The rent is $89 a month, "which is really more than we can afford to pay," says Mrs. K, "and I hear they're going to raise it. I don't know what we'll do then. We don't have the money to move."

Nor are they eligible for public housing. With the $102 monthly Social Security check of Mrs. K, 67, their annual income is about $4,256—well above the $3,200 limit for public housing.

What has broken their budget is the medical expenses of Mrs. K that weren't covered by medicare: drug, cobalt and deep x-ray treatments and lots of taxi fare.

To cover the costs, she and her husband had to take out a $1,000 loan.

Bill walks about a mile to and from work to save the bus fare. He tells you proudly that he can work full time because his health is good.

(His wife confided, however, "He gets awfully tired, you know. He shouldn't have to work so much.")

As he talked, Bill was interrupted by a hacking cough. "Had a little bronchitis," he says, "and it costs me three days pay."

Bill is proud that he's been able to keep up membership in the Moose and Eagles clubs.

"We might have to drop that, though," his wife said. "We just don't have the money."

"Oh, I don't know . . . " Bill protested.

Despite her weak condition, Mrs. K, who worked for years as a quilter—a designer and embroiderer of quilts and furniture upholstery—manages to make a few goods she offers for sale at a senior citizens center.

Her intricate, multicolored work, all of her own design, adorns the otherwise meager apartment.

She hopes eventually to be able to return to work for an upholstery company, but in the meantime she continues to knit and sew and embroider—mainly quilts.

The work doesn't sell for much.

She held up a satin-backed knitted baby quilt. "I'll try to get $10 for this but it'll probably go for five. That hardly pays for the yarn," she said.

Not to mention a week's work.

The Ks are proud people. They're old and poor and in trouble. But they're not quitters.

Mrs. K works out every day on an exercise bicycle in the living room in the hope that "maybe some day I'll be able to walk well again."

III. The Elderly: Inflation Adds to Their Woes—72, Poor, Alone in Suburbia

(By Jack Miller)

Mrs. R. is an articulate grandmother of 72 who loves good music and good conversation, who enjoys entertaining, who likes to be a part of the action.

She lives in a friendly, prosperous Minneapolis suburb.

But amid affluence, Mrs. R. is locked in an old age of isolation and poverty.

Confined to a tiny, drafty home, she has sustained herself for days at a time on bread and butter. She said she had no way to get groceries.

Until someone gave her a stove recently, she cooked on a cracked, single-burner hot plate.

Even now, she keeps bread and cereal on hand for times when she can't get—or can't afford—any other food.

Though she once was proud of her cooking (Swedish meatballs was a specialty), with her husband and family gone she now has no incentive to make full meals.

"You tend to eat whatever's handy," she says. "I don't think I could make a decent meal now if I had to."

Her only regular contact with anyone comes every couple of weeks or months when her son or daughter-in-law, who live in the community, bring groceries. Sometimes they take her to their home for a brief visit.

But she hates to impose on her family, explaining: "They have problems of their own."

Though she has lived in her home for five years (four years since her husband died), she has never become well acquainted with the neighbors.

"They're mainly younger people," she says, "and they have their own groups. There aren't many poor people around here."

She yearns for contact with people, perhaps a senior citizens group, but she admits, finally, that she's ashamed of her clothes.

As for entertaining, "You can't have anybody in here. Look at the way it looks."

The living room has only two worn old chairs. On of them has some green plastic taped over the arms. The floor is bare.

But the place is kept impeccably clean. And for Mrs. R. who has a broken hip that has never healed properly, cleaning is a great effort. "I was down scrubbing the floor the other day, and you should have seen me trying to get up; I must have really looked silly."

Mrs. R's home is more than she can maintain—or wants to.

The welfare department pays her $80 a month for rent, but she has to pay an averag of $33 a month in utility bills out of a total monthly income of $94 (including Social Security and Old Age Assistance).

When her septic tank backed up recently, filing the house with the stench of sewage, the welfare people allowed her $25 to get it fixed. She had to spend the money for necessities, though, before she could pay the bill.

While the house is warm for a visitor, Mrs. R. is wearing high wool socks and a heavy sweater. She confesses that she often turns the heat down to save money.

She'd like to move back to the city, where she spent most of her life, and live in one of the high-rise buildings for the elderly. But like thousands of other older people in the suburbs, she would have to establish a year's residency to qualify to have her name put on a long waiting list.

Music has been a life-long interest, and she wishes she could afford a phonograph and a few favorite records like Mantovani and Rubenstein. Instead, she listens to an old radio.

Though her formal education "ended after high school ("I fell in love at 18"), she has always been a reader. Now, she can't afford books or magazines.

She barely has enough for food. While prices have risen rapidly, her income has stayed the same.

"I eat a lot of starchy things," she says, "because they're cheaper."

Nor can she afford to belong to a church or to any group. There is no nearby bus transportation, and taxicabs are too expensive for her.

The worst thing for her, however, is the loneliness.

"When you're alone like this, you spend a lot of time thinking about your past, about all the things you've done wrong and about how things *could* have been," she confided, near tears. "I know it isn't good to do this, but you can't help it . . .

"I want to be alert. I want to keep up on things. I want to learn."

She paused, then added:

"I want to wear out, I don't want to rust out."

IV. THE ELDERLY: INFLATION ADDS TO THEIR WOES—COLD APARTMENT IN LIFE'S WINTER

(By Jack Miller)

The temperature starts dropping about 5 p.m. in the Minneapolis apartment house where Mr. and Mrs. N live.

After supper, the cold sets in. By about 9 o'clock, the Ns bundle themselves in bed beneath a pile of quilts and blankets.

It doesn't start warming up until about 7 in the morning.

Mr. N, a 71-year-old former logger, has an advanced case of arthritis that's aggravated by the cold. It is a painful trip, when, in the middle of the night, he has to go down the hall to the bathroom.

The Ns have stuffed newspapers in the cracks in the floor and around the windows of the building's brick outer wall. But when the winter wind blows from certain directions, the cold comes in anyway.

"This used to be a nice building," says Mr. N, who has lived in the area for years: "They used to have flowers out front. And a furnace man used to be on the job all the time. Now, they've got one man for so many buildings . . ."

On her own and without compensation, Mrs. N cleans their entire second-floor section of the building. She keeps it as presentable as the dilapidation of the place permits.

They keep the hallway door locked. "If we didn't," explains Mr. N, "the drunks would be coming in here all the time. They're always looking for a warm place to lie down."

But keeping the hall door locked increases the danger in case of fire—and fire is a real danger.

A year ago, fire destroyed an adjoining unit in the building.

"Everyone got out, thank God," recalls Mr. N, "and it never got into our part. But it could have been here just as well. You never know when some drunk might come in downstairs and fall asleep with a cigarette."

No one in the building has a phone. In case of fire, someone would have to go to a firebox across the street.

With little money or mobility, the Ns spend nearly all their time in their single room. The place is perhaps 12 by 15 feet, and the double bed takes up about a fourth of the space.

Housing may be the single largest need of the elderly in Minneapolis.

"I think it's obvious from the waiting list for elderly housing (about 3,000 individuals and couples) that there's a tremendous need," said Charles Krusell, executive director of the Minneapolis Housing and Redevelopment Authority. "We're attempting to meet it as fast as federal funds become available."

During the coming year, Krusell predicted, about 630 new units will become available. Turnover will open nearly 500 more.

About 2,900 new elderly units are now occupied, and Krusell said the total should swell to about 6,000 in two more years.

In addition, a limited number of existing apartments are available to low-income older people. Occupants pay 25 percent of their income in rent, and the housing authority pays the rest of the rent.

But eligibility for these programs is limited to older people with incomes not more than $2,400 for a single person, $3,200 for a couple.

For senior citizens with slightly higher incomes, there isn't much housing help.

A moderate-income housing program for people of all ages has provided only about 450 units in Minneapolis. For these units, income may not exceed $3,240 for a single person, $5,400 for a couple. Rents run from about $85 to $120 a month.

In the Twin Cities suburbs, there is practically no low-income public housing or moderate-income housing for older people, said Joseph F. Gabler, Minnesota director of the Federal Housing Administration.

Gabler explained, "The reason such housing has not developed here in any numbers is that construction costs, maintenance, and taxes are so high." And negligible low-to-moderate housing has been built in the suburbs, he added, "because they just haven't shown any interest in it. They want the $50,000 homes for the tax base."

But much more could be done, Gabler said, if businessmen and private, non-profit groups such as churches and other organizations would provide sponsorship and some of the needed money. Meanwhile, Mr. and Mrs. N cope with housing that is barely adequate.

The Ns' income is $161.20 a month, which Mr. N gets from the Veterans Administration (his arthritis began in France during World War I) and Social Security.

Rent takes $45. Their grocery charge-account usually has reached $65 by the end of the month.

"We know he (the grocer) charges too much," says Mr. N, but he's just two blocks away. We can't make it any further. And we have ace-high credit. That's worth something. We pay up at the end of every month."

They try (often unsuccessfully) to save up a few dollars for taxicab fare for the periodic trips Mrs. N has to make to General Hospital for treatment of her diabetes. When there's no taxi money, Mrs. N walks six blocks to the bus or walks the whole mile and a half to the hospital.

The Ns have no social contacts with family or friends.

Mr. N's son used to visit once in a while when he lived in Minneapolis, but he has moved west. Mrs. N's five children by a previous marriage all have moved away.

"We'd like to get out of here," said Mr. N, looking at a hand-rolled cigarette he was holding. "Maybe into one of the high-rises."

They hope to go soon to seek help at a nearby Citizens Community Center (an anti-poverty project), "if it ever warms up."

"They're going to tear this place down, you know," explains Mr. N, "and we want to get out before we get thrown out in the snow."

But they have no money to move. And their chance of getting into one of the high-rises isn't good—unless the couple is actually forced out by the clearance project, which has been pending for years.

V. THE ELDERLY: INFLATION ADDS TO THEIR WOES—OLDSTER HAS APARTMENT IN HIGH-RISE, BUT LITTLE MONEY

(By Jack Miller)

By one of the most important measures of a pleasant old age—decent housing—John Stenen has got it made: He lives in one of Minneapolis's new high-rise apartment buildings for the elderly.

But, he says, "Just having a bite to eat, a warm place to sleep and a few rags to wear—that isn't enough in this life. You have to be out and around and meet people, and that costs money."

Like many older people, Stenen lives in poverty. He receives $110 a month, $55 from Social Security, $55 from Old Age Assistance.

And Stenen, more than most older people, needs to get around.

He's a member of the Minneapolis Model City policy-making board and is on the board of the Minneapolis Age and Opportunity Center, Inc. (MAO), a new and aggressive citywide senior citizens organization.

Often, he doesn't have money for bus fare to go to meetings.

In addition, the 83-year-old carpenter and jack-of-all-trades lacks the travel money to do much groundwork for a special project he's organizing: an older people's work center.

The idea is to gather together senior citizens who can build, repair or make craft items and to coordinate the assignment, production and sale of their work.

"A lot of people need someone to do a little plastering, little painting, a little cement work, things like that," he explains, "and we'd like to round up older people who can do this—to give them some work and a few dollars . . . The idea is (for the workers) to come together with other people."

The work would be directed to such needy people as the elderly, welfare mothers and the poor—but also to anyone who needs a small job done or who wants to buy craft work.

Stenen already does some of this kind of work, operating out of his crowded efficiency apartment.

He repairs everything from watches to irons, builds furniture, does wood carvings and paintings. He makes only an occasional dollar or two for the repair work and gives away his art and craft work.

His apartment bulges with the tools and materials: a power saw rig he built himself, an electric sander, paints and brushes and a typewriter.

What he needs is a workshop, and the high-rise building doesn't have one.

But Stenen isn't trying to organize the work project for his own benefit.

"I'm not going to be around long," he says, without self-pity. "I just want to have the thing organized, so others can run it."

Stenen works so hard at his crafts, his community activities and his project he sometimes "can't find time to eat." But without transportation, he's having a hard time launching the older workers center.

MAO is helping. Mrs. Daphne Krause, executive director of MAO, said the independent project will receive aid from MAO's program for older people in the Model City area of South Minneapolis. Funds to begin those efforts are expected in the spring.

In the drive to improve conditions for older people in Minneapolis, MAO is playing a leading role.

Organized 18 months go, the group already has led the campaign that has resulted in an investigation, and crackdown, on allegedly substandard nursing-home conditions.

In the Model City plan, MAO is to attempt a wide range of new services, including an experimental "meals on wheels" project to provide balanced means at home for older people who now aren't getting enough good food. The effort is to serve about 50 persons. If successful, MAO hopes it can be expanded to run citywide.

The food is to be transported by minibuses, which MAO also plans to use for special transportation needs of the elderly—trips to the grocery store, the doctor, the hospital and to group meetings and activities.

In addition, MAO plans to provide a wide range of services for the elderly, including friendly visiting (by trained volunteers), counseling and a telephone reassurance system.

The phone arrangement will provide a chain of older people who will call each other. If a person fails to answer, the caller will dial a 24-hour emergency number and someone will go find out what's wrong.

"We've especially got to reach those older people who are in isolation," said Mrs. Krause, "the seniors who haven't been found by any of the public or private efforts and who are facing their problems alone."

MAO now claims the active involvement

of about 200 older people in Minneapolis and hopes, said Mrs. Krause, "to continue serving as a catalyst for action on all the problems of the seniors."

Minneapolis, with one of the largest over-65 percentages of any urban area in the nation (about 14 percent, or more than 60,000), has just begun to deal with the problems of this group, according to those who work with senior citizens.

A new, neighborhood-based program already under way is operating in north side Minneapolis as part of the Pilot City Regional Center effort.

With a federally funded budget of $150,000 for this year, the program operates out of a store-front and is run in cooperation with the Hennepin County Welfare Department.

The program helps older people with any problems they have—housing, transportation, medical care, need for contact with others. But much of its efforts so far have been focused on transportation (program aides have cars) and social activities.

Richard Storla, program director, admits that perhaps too much of the emphasis so far has been on the elderly in the high-rises (who comprise about 1,000 of the North Side's 6,000 elderly residents) and not enough on old people living in homes and apartments.

Also, he said, there is need for a full-time day center to supplement the project's once-a-week get-togethers.

"This is the first time Hennepin County Welfare has gone outside the Downtown office," said Storla, who had worked in Welfare's Downtown office for years. "The difference in being right out here on the scene is impossible to describe.

"Downtown, you have to tell somebody, 'I'm sorry, our policies don't cover that. Here, you know you just better find an answer."

Health care is a major need for many older people, according to Dr. Charles McCreary, a health planner for the Minneapolis Health Department.

"The worst problem," said Dr. McCreary, "is when older people need medical attention, but they aren't at the point of being an 'emergency.' Some of these people have to wait until they're almost dead before they can get help."

Dr. McCreary said a number of hospitals in Minneapolis are improving their emergency services and abolishing the old policy under which a patient had to have a doctor before he could be admitted to a hospital. This is expected to take some of the load off the overburdened facilities at Hennepin County General Hospital, he said.

But those who work with the elderly said much remains to be done in improving health care. Many doctors show little interest in treating the elderly, officials say, and this is especially true of patients in nursing homes. And officials said more home nursing care is a desperate need.

REDUCTION OF AMERICAN FORCES IN EUROPE—SENATE RESOLUTION 292

Mr. HARRIS. Mr. President, on December 1, 1969, the majority leader introduced Senate Resolution 292, which if passed would state that the sense of the Senate was "that a substantial reduction of the U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I have previously indicated my strong support for this resolution by becoming a cosponsor, but I would like to reemphasize and explain my support at this time.

While it is clear that we should retain a strong commitment to the support of NATO, it is equally important that we realize that our resources are limited, and that reassessment of the kind and amount of American NATO contributions is long overdue. We need to continually study the level and composition of U.S. forces in Europe, and make changes when and where appropriate, after consultation with our allies.

When NATO was formed, it was manifest that a substantial or even dominant role for the United States was essential, if the strength of the alliance was to be credible. In times of stress, during the Korean war and again during the Berlin crisis of 1961, we gladly increased American troop levels to help insure the security of the free world. In the years since then, our troop levels have remained very high, even when subsequent reductions and redeployments are taken into account.

In recent years, circumstances have changed considerably—but our force levels have not adequately reflected those changes.

European economies have boomed, while we have been beset with chronic and serious balance-of-payments deficits, in large measure because of military expenditures abroad—but we continue to bear a disproportionate share of the common burden.

We have vastly increased our capacities to move military forces and equipment by air, and will increase this capacity still further when all the C–5A aircraft become operational—yet, we have made only the barest beginnings toward redeploying our troops to domestic bases, which would greatly reduce the balance-of-payments outflow without impairing our ability to meet our commitments in time of need.

The likelihood of a Soviet conventional attack on Western Europe has greatly decreased in the eyes of most experts—but our troop strength has remained nearly the same as at the height of the cold war.

We have all agreed on the need to reduce defense spending to the minimum level consistent with our security—yet we have ignored savings which would accrue from righting the imbalance in the proportion of the NATO defense costs we bear.

No one can seriously argue that all American troops in Europe should be brought home in the foreseeable future, for that would cast doubt on our intentions to share in the common defense, and create an inequality as great as that the sponsors of this resolution seek to redress. Yet, the facts are incontestible: we continue to pay a disproportionate share of the military costs of the alliance. The Institute for Strategic Studies, a highly regarded and authoritative research organization based in London, has recently published figures which indicate the magnitude of the difference between the share of the defense load we carry, and that undertaken by our allies. According to their research, the per capita defense expenditure by the United States in 1968 was $396—while our major allies spent much less: West Germany, $101; Britain, $98; and Italy, $37. Even as a percentage of gross national product the U.S. share was significantly larger: We spent 9.2 percent of our GNP in 1968 on defenses; while the percentage for West Germany was 4.5; for Britain, 5.3; and for Italy, 2.7.

At a time when we face ever-increasing demands on our national resources, so much of which are needed to help solve the great domestic problems of our time, we must seek to shift a fair share of the defense of the Atlantic community to those who share equally in the protection provided.

Unfortunately, the administration has refused even to consider a reduction or redeployment until at least the end of fiscal 1971, a year and one-half from now. Even more surprising, an ideal opportunity to discuss this problem with our allies at the NATO Minister's meeting in Brussels in December was ignored, and the notice of the intention not to press for a change was given by the Secretary of Defense before that meeting began. In mid-January, the Secretary of State reiterated this position, and said that any contemplated reductions after mid-1971 would be "slight" in magnitude.

We all know that the necessary arrangements for redressing the balance would be complex, and would take some time to complete. It is therefore imperative that no additional time should be lost in beginning discussions on this topic. Opponents of these troop reductions often state that they are a good idea, but that the time is not ripe. One can suspect that the time will never be ripe for some of them. To show good faith, the time to begin to work on this problem is now, at a time when tensions have been reduced and improvements in technology and weaponry render such heavy troop commitments on our part obsolete.

I ask my colleagues to join in support of this important resolution and by doing so to encourage the administration to reconsider carefully the inflexible position it has taken.

GENERAL ASSEMBLY OF SOUTH CAROLINA URGING CONGRESS TO OVERRIDE PRESIDENT'S VETO OF H.R. 13111—HEW APPROPRIATION BILL

Mr. HOLLINGS. Mr. President, I recently received a concurrent resolution from the General Assembly of South Carolina, which was adopted by both houses, urging the Congress of the United States to override the President's veto of H.R. 13111—the HEW appropriation.

While, unfortunately, the Senate was not given an opportunity to vote on this issue, I would have voted to override the veto, and I agree with the thoughts expressed in this concurrent resolution.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY GENERAL ASSEMBLY OF SOUTH CAROLINA

A concurrent resolution memorializing the Congress of the United States to override the President's veto of H.R. 13111, relating to an appropriation for Health, Education, and Welfare moneys and if the veto is not overriden to do all within its power to make sure that funds for education in impacted areas will be appropriated in another manner and the formula for such moneys shall not be changed

Whereas, the President of the United States has vetoed H.R. 13111, an appropriation for Health, Education, and Welfare, which included funds for education in impacted areas; and

Whereas, if these funds are not appropriated in the amount as provided in this bill, it will have a serious effect upon the public schools of this State and it is entirely possible that several of the school districts will be forced to close their schools due to lack of funds before the end of the present school year, or at the very least substantial local tax increases will be required. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States is urged to override the President's veto of H.R. 13111, which appropriates moneys for Health, Education and Welfare, including moneys for education in impacted areas.

In the event the President's veto is not overridden, it is urgently requested that Congress do all within its power to make sure that these funds will be appropriated in another manner and in no less amount than that which has already been allocated this year and that the formula for moneys to be used for education in impacted areas shall not be changed.

Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, the Clerk of the United States House of Representatives and each Senator and Congressman from South Carolina.

MEETING OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Mr. HARRIS. Mr. President, the National Council on Indian Opportunity recently met, for the first time under this administration, on January 26, 1970, here in Washington. At that time, the six Indian members of the Council made a presentation which I think is a very important document, entitled to the full attention of the Government and the Congress.

The National Council on Indian Opportunity was originally established by President Lyndon B. Johnson, and, fortunately, has been continued by President Nixon and by action of the Congress. The function of the Council is to focus Government-wide attention—and secure action—on the urgent needs and problems of American Indians.

The proclamation established a Council which is chaired by the Vice President of the United States and its membership includes the Director of the U.S. Office of Economic Opportunity, and the Secretaries of Commerce, Labor, Interior, Agriculture, Housing and Urban Development, and Health, Education, and Welfare, as well as six Indian members.

The Indian members of the Council are Roger Jourdain, of Minnesota; Cato W. Valandra, of South Dakota; Raymond Nakai, of Arizona; Wendell Chino, of New Mexico; Willie Hensley, of Alaska; and my wife, Mrs. LaDonna Harris, a member of the Comanche Tribe, of Oklahoma.

Prior to the January 26, 1970, meeting of the full Council, the Indian members of the Council met separately for 2 days to hear recommendations and suggestions from various Indian tribes and individuals. Thereafter, the Indian members met and drew up a statement of recommendations which Mrs. Harris then presented to the full Council.

This statement is an effort to carry out the basic mandate of the council; that is, to incorporate into the programs and plans of the Federal Government the views of American Indians themselves.

I believe this statement is one which should be of interest to Members of the Senate.

If these recommendations are followed by the administration and the Congress, we would, at long last, begin making real progress toward what I, personally, feel must be the twin goals of a new and enlightened Federal policy in regard to American Indians: compensatory attention to the needs of the American Indian; and self-determination for American Indians.

The time is late. As the statement points out so forcefully:

The Indian problem has been studied and restudied, stated and restated. There is little need for more study in 1970. The Indian people are entitled to some action, some program, and some results. To that end we are setting forth a series of specific goals. These goals can and must be met. Such positive Federal action will create Indian confidence in the sincerity and capability of the Federal Government.

In the hope that a wider knowledge and circulation of the recommendations contained in this statement may help them more rapidly to become reality, I ask unanimous consent that the statement be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE INDIAN MEMBERS OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY TO THE CHAIRMAN AND FEDERAL MEMBERS

In 1970, when men have landed on the moon, many American Indians still do not have adequate roads to the nearest market.

In 1970, when almost every American baby can look forward to a life expectancy of 70 years, the Indian infant mortality rate is three times higher than the national average after the first month of life.

In 1970, when personal income in America is at an unprecedented level, unemployment among American Indians runs as high as 60%.

These are reasons why the National Council on Indian Opportunity—the first agency of the Federal Government where Indian leaders sit as equals with members of the President's Cabinet in overseeing Federal Indian programs and in recommending Federal Indian policy—is of the most vital importance to Indians all across the Nation. Because the essential requirement of any Indian policy must be active and prior Indian consultation and input before major decisions are taken which affect Indian lives, Indian membership on the Council is not only of symbolic importance, but is insurance that such consultation will be sought.

We wonder if the Vice President and the Cabinet Officers fully appreciate the fact of their physical presence here today—the meaning that it has for Indian people? We realize that every group in America would like to have you arrayed before them, commanding your attention.

For the Indian people across the nation to know that at this moment the Vice President and Cabinet Officers are sitting in a working session with Indian leaders is to alleviate some of the cynicism and despair rife among them.

Thus, the Council and the visability of its Federal members is of great symbolic importance to the Indian people. However, symbolism is not enough. We must be able to report that we have come away from this meeting with commitments on the part of the Federal members that Indian people and their problems will be considered even out of proportion to their numbers or political impact. Otherwise the distrust, the suspicion on the part of the Indians, which has dogged the Federal Government and has defeated its meager attempts to help the Indian people, will continue.

The National Council has a concern with the well being of all Indians everywhere—whether they live on the Reservations or off; in cities or rural areas; on Federal Indian Reservations or on those established by particular states.

Indian tribes have had a very long relationship with the Federal Government. However, in the last decade and a half, long-standing latent suspicion and fear brought about by broken promises, humiliation, and defeat have sharpened into an almost psychological dread of the termination of Federal responsibility. This fear permeates every negotiation, every meeting, every encounter with Indian tribes. Whether this fear can be overcome is debatable, but Federal agencies—especially those Departments represented on this Council—must understand it and be aware of its strangling implications.

The long Federal-Indian relationship was until recent years almost exclusively between the Tribes and the Bureau of Indian Affairs. The provision of services by the Bureau in the past has at times been seriously deficient and its attitude paternalistic, leading to a long series of criticisms of the BIA. More than 150 years of dependency on the Federal government is not easy to overcome. A paradox—fear of termination on one hand, and on the other the realization that federal services are grossly inadequate. This must be understood before any real progress can be made. This also makes it imperative that other Departments and Agencies of the Federal Government take a more active role in Indian Affairs. In this way progress can be made in breaking Indian dependency on the Bureau of Indian Affairs. Progress can be made in building Indian confidence in themselves and in their ability to deal with a wider range of society—hopefully—help to overcome the termination psychology.

The Indian problem has been studied and re-studied, stated and re-stated. There is little need for more study. In 1970, the Indian people are entitled to some action, some programs, and some results. To that end we are setting forth a series of specific goals. These goals can and must be met. Such positive federal action will create Indian confidence in the sincerity and capability of the Federal Government.

RECOMMENDATIONS

Administration

Special Assistant to the Secretary

In order to insure parity of opportunity for Indians in all Federal programs, we recommend that a position in the immediate office of each Departmental Secretary be established—which hopefully can be filled by an Indian. He will deal with policy and planning for Indian programs at the central, regional, and local levels; assure Indian input into legislative proposals, policy formula-

tion, and program planning; and report accomplishments on a quarterly basis to the National Council on Indian Opportunity.

Indian Desks

We recommend that departments establish Indian desks at the program level.

Assistant Secretary for Indian Affairs

We recommend, that the Bureau of Indian Affairs have its own Assistant Secretary of the Interior, or that the Commissioner of Indian Affairs be given Assistant Secretary status.

Budget

Because no one person knows or is in a position to know what the various federal departments are planning for Indian expenditures, we have advised the Executive Director of the National Council to assign a staff member to acquaint himself with the Indian component in the budget proposals of the several departments and to follow the budget planning process through all decision-making levels in the Bureau of the Budget up to, but not including, the final director's review.

National Council Field Offices

To insure that the coordinative, evaluative and innovative responsibilities given to the National Council by the President are carried out; to maximize delivery of programs at the lowest local level; and to receive recommendations regarding policy and programs from local tribes, Indian organizations and individuals, we submit that Council field offices composed of a Director, Assistant Director, and Administrative Assistant are essential and must be established in each of the ten Human Resource Regions.

Demonstration Projects

In order to show that the Government is sincere in its commitments, and to assure greater opportunities available to Indians, we suggest that a demonstration project representing all services available to Indians in each department, be established in order that Indians may observe them and utilize them in their own communities.

BIA In-Service Training

We recommend that the Bureau of Indian Affairs effect as quicky as possible comprehensive in-service training programs to (1) expose all of its employees to the cultural heritages and the value systems of the Indian people they serve and (2) to increase and guarantee the upward mobility of its Indian employees.

Evaluation of BIA Staffing

We recommend that the administrative structure of the BIA be analyzed to determine areas of over-staffing and duplication—with a view toward elimination of "dead wood".

Indian Service on Federal Committees

We recommend that there be equal opportunity for Indians to serve on all appropriate Federal boards, councils, commissions, etc. (e.g., Equal Employment Opportunity, the President's Council on Youth Opportunity, the Civil Rights Commission, etc.).

Indian Youth

The Indian members of the Council recognize the value of having the input of young Indians at policy making levels and in the operation of programs. We recommend that each department give specific attention to the establishment of a federal intern program for young Indians at the local, regional and national levels.

Education

It is an appalling fact that between 50 and 60% of all Indian children drop out of school. In some areas the figure is as high as 75%. This stands in sharp contrast to the national average of 23%. The suicide rate among all young Indians is over three times the national average. Estimates place it at five to seven times the national average for boarding school students.

A full generation of Indian adults have been severely damaged by an unresponsive and destructive educational system. At a time when economic survival in society requires increasing comprehension of both general knowledge and technical skills, Indians are lost at the lowest level of achievement of any group within our society. We must not lose this generation of Indian children as well. There is a desperate need for both a massive infusion of funds and complete restructuring of basic educational concepts. Therefore, the Indian members of this Council strongly recommend the following major policy initiatives:

1. That a Comprehensive Indian Education Act be submitted to Congress to meet the special education needs of Indians in both Federal and public schools in an effective and coordinated manner. This act will pull together all Indian education programs incuding set-aside programs. Provision would be made for Indian input, contracting authority with tribes and communities, submission of plans, accountability and evaluation procedures in the hope of correcting the glaring inadequacies and misdirections that exist in present programs such as the Johnson O'Malley Act. The Indian members of this Council wish to express our strong support for the HEW appropriation bill. In particular, we want to make it known that a number of public schools with large percentages of Indian students will be forced to close if this bill is vetoed and the impacted aid funds are thereby imperiled.

2. That the Civil Rights Enforcement Office of HEW investigate discrimination against Indians in schools receiving federal funds.

3. That a permanent Indian education subcommittee be established in each house of the Congress.

4. That funding for Indian education be substantially increased. Funds at present are not adequate for even basic rudimentary requirements such as reasonable teacher-student and dormitory counselor-student ratios. It is a fact today that the average student-counselor ratio in BIA boarding schools is one to 60 during the day and one to 150 at night. Innovative program planning and implementation cannot be successfully carried out without the support of basic operational facilities and staff.

5. That the present reorganization of the BIA assign to the assistant commissioner for education the responsibilities of a superintendent of federal schools, having direct line control over the operation of the schools, including budgets, personnel systems and supporting services.

6. That the Bilingual Education Act receive sufficient funding so that an expanded program would be available for Indian and Eskimo children, including those at schools operated for Indians by non-profit institutions, and that the BIA undertake an expanded bilingual program of its own. This program can and should include the hiring of a greatly increased number of Indian teacher aides.

7. That courses in Indian languages, history and culture be established in all Indian schools including those slated for transfer to state control, and that a revision of textbooks be undertaken to make them relevant to an Indian child's experience and to eliminate derogatory references to his heritage.

8. That phasing out of BIA boarding schools become a policy goal. At present approximately 40,000 Indian children attend BIA boarding schools; 9,000 of these children are nine years of age or under. Additional students are housed in BIA bordertown dormitories while they attend off-reservation public schools. These children are often sent several hundred miles from home (in case of Alaskan children, thousands of miles) due to the lack of facilities in their area. The schools which they attend are often emotionally disturbing and culturally destructive to some children and their families are educationally deficient as well. In order to eliminate boarding schools, roads must be constructed in rural areas; without sufficient road appropriations there cannot be realistic access to schools for these children on a daily attendance basis. A plan must be developed for the construction of a vast network of community schools and the present allocation of money for construction at existing boarding schools must be reallocated to the construction of community based schools.

9. The tribal control of schools with the continuation of federal funding be implemented upon the request of Indian communities. In conjunction with this, a report should be submitted by the BIA on the progress that has been made in the establishment of local Indian school boards and the powers which have been granted to these boards. The time has come for an end to the solely advisory role that has been played by the majority of these boards. The OEO–BIA joint experiment at the Rough Rock School on the Navajo reservation has shown that Indian control is both a feasible and desirable means of operation. Community located and controlled schools could also serve as adult education centers and would help to acquaint Indian parents with the importance of their involvement in the education of their children in a setting with which they can identify.

10. That training programs in Indian cultures and value systems be provided to teachers, administrators and dormitory counselors—be they Anglo or Indian. There is no excuse for a quiet, shy Indian child being labeled and treated as dumb and unresponsive by an uncomprehending teacher.

11. That the need for a far greater number of Indian teachers must be recognized. At present, there are far too few Indians graduating from college to meet this need. Increased availability of scholarships to Indian students would enable a greater number to attend institutions of higher education. We support the establishment of a national scholarship clearinghouse for Indian students which would include the contracting of the BIA scholarship program. In order to obtain the highest quality teachers we recommend the elimination of the Civil Service Regulation that protects by tenure incompetent and prejudiced teachers from dismissal.

12. That Federal funds be provided for the establishment of tribal community colleges.

13. Recognizing the first five years of life as being of great importance in proper child development, that we request the expansion of Headstart and kindergarten programs for Indian schools rather than reduction. We also stress the necessity for a continuous process of Indian input into their organization and operation.

14. That modern educational communication techniques be utilized to enhance the educational opportunities for all Indian people.

Health

It is a recognized fact that despite considerable improvement the health status of the American Indian is far below that of the general population of the United States. Indian infant mortality after the first month of life is three times the national average. This means, in plain language, that children are dying needlessly. The average life span of Indians is 44 years, one third short of the national average of 64 years; in Alaska it is only 36 years. In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and under supplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

There are a number of specific actions that

can be taken now to improve Indian health services:

1. An Indian health aide program has been established. A review should be undertaken of its recruitment, training and assignment policies.

2. The Division of Indian Health and the regular U.S. Public Health Service should establish communication for ascertaining their respective areas of responsibility. There is no excuse for the plight of a sick individual, who also happens to be Indian, to be denied access to health facilities due to jurisdictional conflicts.

3. The establishment of Indian advisory boards at hospitals should be continued and expanded. However, to be meaningful, these boards must be given actual authority in the administrative areas of patient care.

4. The establishment of a program to bring Indian health services into communities rather than simply at the central office location, e.g., traveling clinics.

5. Lastly, the Council goes on record in support of a national health insurance system.

Welfare

President Nixon's proposal for a Family Assistance Program is a major step toward restoring dignity to the individuals involved. We support the concept of this program and urge its enactment and adequate funding. We also request Indian input into its planning and delivery, for without a mutual exchange this new, innovating program will not satisfy the unique needs of the Indian people.

We specifically recommend today the following:

1. That an immediate investigation be undertaken of the system whereby many welfare recipients are exploited by trading post and grocery store owners. These trading post and grocery stores are the mailing addresses for large numbers of Indian welfare recipients in the surrounding areas. By isolated location, over-charging and credit, the custom of dependency, the traders and store owners have complete control over the disbursement of the welfare checks;

2. That training programs in the culture and value systems of the Indian populations be required for social workers serving Indian people;

3. That Indian tribes be given the option of contracting with the Federal government for the administration of their own welfare programs.

Urban

A National Council on Indian Opportunity study conducted in 1968–69 has found that one-half of the Indian population in the United States is located in urban areas. Yet none of the programs of the Federal government are aimed with any meaningful impact on the special problems which Indians in these urban environments face.

A majority of the urban Indians have arrived at their present location through the Federal government's relocation program. This program is seriously deficient in funds and in professional direction for economic, social and psychological adjustment to an environment that is almost totally strange, impersonal and alien. Aside from budgetary consideration, this raises the fundamental question of whether relocation is a proper policy or goal. In the study group's hearings, those Indians who testified expressed deep hostility for the program, its administrators, and its fallacious inducements. After serious analysis based on the hearings, the Indian Council members have concluded that viable economic development on or near present Indian communities is a goal much preferable to the artificial movement of individuals or families.

Immediate action must be taken to re-evaluate the entire justification of this relocation policy. In addition, the needed services for these people presently situated in these urban societies must be created and it is therefore recommended that the following actions be taken:

1. The Departments of Commerce, HEW, HUD, and OEO must educate themselves to the location of urban Indian concentrations with the purpose of bringing their present services directly and effectively into these areas. In addition, they must develop new programs and initiatives to answer the special needs of Indians in an urban environment.

2. Reinforcement of existing urban Indian centers and active support for the development of new centers located in neighborhood Indian areas which would serve the two-fold purpose of community centers and programmatic referral agencies.

3. Establishment of legal aid offices in Indian ghetto areas.

Economic development

Indian people in general have been deprived of the opportunity of obtaining business acumen and have not participated in the benefits of the American free enterprise system. This fact has led to the present economic plight of the first Americans and has been an embarrassment to principles upon which this country was founded. But in recent years, because of a cooperative effort involving government agencies and of the private groups industrial development on Indian reservations is starting to become a reality. This development is greatly desired by most tribes to improve the economics of the communities and to provide jobs for the individuals of those communities.

However, where large industries have located in Indian communities, the inadequacies of the reservations to accommodate the sudden concentration of employee populations have created serious problems. In most of these new industrial communities there are inadequate schools, too few hours, insufficient hospital and medical capability and generally inadequate community facilities for the population. While Indians desire and deserve job opportunities near their homes, most of the industry thus far attracted to reservations have chiefly employed women. This leaves the male head of the family still unemployed and disrupts the family. Attention of these federal agencies concerned with industrial development should be directed to this problem and they should maximize employment for Indian men.

Most of the industries which locate in Indian country are subsidized by the government because they are to provide jobs for Indians. The government should make employment of a high percentage of Indians a condition of the Federal subsidy to ensure increased Indian employment. High on the list of impediments to industrialization on Indian reservations is the lack of hard surfaced roads. Roads will have to be developed to handle the traffic of the work force and to provide a way to market goods produced and to procure necessary supplies.

A curious ruling of the Federal Aviation Agency is that Indian tribes are not public bodies. The legislation authorizing federal assistance in construction of airports limits that assistance to public bodies thereby excluding Indian tribes who wish to construct airports.

Finally, we wish to go on record supporting proposed legislation which would provide tax incentives to industry locating on Indian reservations. An exemption of industry from federal taxation for a period of years would provide much needed inducement to industry to come to Indian reservations. With regard to helping individual Indians into business for themselves, programs providing the necessary capital through loans at low interest rates and continuing technical assistance are essential to success.

Work must be done to create a climate and receptivity among Indian individuals to go into business and there must be a sustained vehicle to accomplish this if Indians are to overcome their lack of experience in business management. To complement this effort there is a need for developing a greater number of business opportunities. A program of sustained management and technical assistance as well as adequate financing is needed. A talent search is needed to locate and identify the potential Indian entrepreneur.

Therefore we recommend:

1. That there be developed a program of a 100 percent secured loan program for five years for Indians.

2. That there be attempts with the American Bankers Association with Federal program linkage to develop training to familiarize bankers with special and unique needs of the Indian communities and to involve selected Indians in banking training programs.

3. That a consumer education program be developed and implemented for all Indians.

4. That an Indian program to establish Indian credit unions and to implement credit union management training for Indians be organized and funded.

Legal

Independent Indian Legal Agency

Government lawyers in the Interior and Justice Departments handling Indian legal rights are caught in a conflict because they also represent government agencies in litigation affecting Indian rights. In many cases government lawyers have failed to pursue untested legal claims of the tribes that would yield substantial water rights.

Because of this conflict, we recommend the establishment of an agency independent from both the Interior and Justice Departments to represent the tribes in all legal services required in connection with all Indian rights to lands, water, and natural resources.

Jurisdiction

At the present time, Indian tribal courts do not have jurisdiction over non-Indian offenders on their reservations. In order to adequately control and develop these reservations such jurisdiction must be extended to them, where such an extension is desired by the tribe. Further research and study of this problem is needed. A further report suggesting how this study might be conducted will be forthcoming from the National Council on Indian Opportunity to the Interior and Justice Departments.

Alaska Native Land Rights

The enactment by Congress, in its current session, of legislation for the equitable settlement of the land rights of the Natives of Alaska—the Eskimos, Indians and Aleuts—is of highest priority. Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:

1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.

2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

We urge that the several departments of the government, and in particular the Secretaries of Interior and Agriculture, and the Bureau of the Budget, reassess their position and give their full support to the proposal of the Alaska Federation of Natives.

Agriculture

Indian members of the National Council on Indian Opportunity strongly urge the Farmers Home Administration to reemphasize its efforts to make economic opportunity and low-income housing loans available to Indians in rural areas. This effort can be aided a great deal by employing Indians as field workers in areas with high Indian concentration.

FHA should work closely with the Bureau of Indian Affairs to find a way to adjust its security requirements to the unique Indian situation. This will ensure that more loans will be made to Indians residing on trust land.

We commend the Extension Service for providing 60 professional extension workers in 17 states and 90 Indian aides on reservations and in Indian communities to explain and demonstrate nutrition programs and better use of resources to attain a better quality of living. (Expanded assistance to urban Indians should be emphasized in the future). Plans should proceed for conducting seminars and short courses for Indians on household management, budgeting and credit, and improved methods of breeding, feeding, and marketing of livestock.

The Farmer Coöperative Service assistance to Alaskan Native cooperatives and Indian cooperatives in Oklahoma seek out opportunities for the use of cooperatives among Indian farmers and provide the technical assistance to keep the cooperatives afloat.

The Soil Conservation Service can provide an important service for Indians because land is their most valuable remaining resource. Wherever the Soil Conservation Service can cooperate with the Interior Department in preserving Indian land from erosion and flood it should actively offer to do so. Interior Department resources for soil and water conservation do not appear to be adequate to meet the total Indian need.

The Agricultural Stabilization and Conservation Service also provides an important service in encouraging soil and water conservation practices. This technical assistance should be made available to all Indian farmers. The federal payments for wool produced and marketed by Indians especially in Arizona and New Mexico, is a beneficial program and efforts should be made to assure that all Indians eligible for these payments are made aware of the program.

The Donation Feed Program in Agriculture had no authority to purchase hay for starving Papago cattle in 1968, and as a result the tribal herd was devastated. If the weakened cattle had been able to consume Departmentally owned feed grain they would have been saved. The Department should not allow such a disaster to be repeated.

The Department of Agriculture has several other programs which can assist Indian progress. Without going into detail, the Consumer and Marketing Service, the Economic Research Service, Agricultural Research Service, Rural Electrification Administration, Food and Nutrition Service, and the Forest Service are useful to Indians, but special efforts should be made to improve the availability of services to Indians.

Housing

Housing among American Indians and Eskimos is deplorable. It is worse than that found in Appalachia or any slum. That this situation should exist in America in 1970, when many Americans are becoming two-home owner families, is a cruel paradox. Immediate action must be given by Federal departments to relieve this blight.

Even though some small breakthrough has been made in Indian housing, the need remaining is tremendous. There needs to be a review of financing to provide increased Indian participation in all housing programs. During the past year a tri-agency agreement involving the Departments of Interior, HEW, and HUD was effected to provide for coordination of expanded housing and expanded Indian water and sanitation facilities programs. This represents an effort to seek a better way of dealing with difficult problems by a joint effort. However, these efforts need to be reviewed to increase production and emphasis and to maintain action.

We recommend, in order to put the Indian housing problem into clearer focus, that regional conferences be held with a cross-section of Indian representatives and appropriate Federal regional administrators, to determine what can practically and effectively be done with support of tribes and Indian organizations. These conferences should touch on the following needs: greater flexibility in determining types of housing programs appropriate to a situation; a review of the effectiveness and status of housing authorities; in cooperation with lending agencies, an analysis of the default rate and the causes for it.

We also point out that a solution to the Indian housing problem will help to solve corollary problems—family instability, health and sanitation problems, poor school attendance or even dropouts, juvenile delinquency, and others.

Blue Lake

For more than 60 years the Taos Pueblo Indans have been seeking—by peaceful and legal means—the return of their religious sanctuary—Blue Lake. Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council.

In 1965 the Indian Claims Commission ruled that the Blue Lake area and an additional 130,000 acres were seized legally.

However, the Taos Indians are seeking the return of only the area containing the ancient shrine and holy places of their religion. Once again, a bill introduced in Congress which would right this injustice has passed the House of Representatives and is pending in the Senate. We recommend that the full Council support this legislation and hope that Council members, individually will support the Taos Pueblo at every opportunity.

Just as Alcatraz stands as a symbol of the frustration and despair long felt by Indian people, let the positive actions of this government insure that such a symbol is never needed again.

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, today I am pleased to join with other Members in observing the 52d anniversary of Lithuanian Independence Day. On February 16, 1918, the Lithuanian people declared their independence from foreign rule and established a separate Lithuanian state, thereby achieving a goal for which they had been striving for centuries. After two decades of independence, however, Lithuania again fell under foreign rule when it was overrun by armed forces during the Second World War and was declared a constituent republic of the Soviet Union on August 3, 1940. This annexation has never been officially recognized by the United States.

Lithuania has been known to history since early in the 11th century when it was a nation divided into numerous principalities. Foreign threats were instrumental in bringing these principalities together into a unified state. Throughout their long history the Lithuanian people established themselves as a viable and constructive force in Europe. During their period of freedom they made significant contributions to the establishment of education, peace, toleration, and human freedom. This great Lithuanian spirit was documented in the following words by Clarence Manning in the History of the Lithuanian Nation:

The Lithuanians had established a powerful and independent state in Europe during the Middle Ages. They were able to check the German drive to the East for centuries. They protected Europe against the Mongols and the Tartars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and toleration, and they played their part in the general development of European civilization.

Today it is estimated that there are some one million persons of Lithuanian descent living in the United States. Of this we are proud. These American Lithuanians, like other American citizens, enjoy freedom and independence, and they share the American dream of human dignity and freedom for all peoples on earth. The Lithuanian people know what it means to struggle for freedom and independence. It is because of people of similar ideals and goals, who love and cherish freedom and independence, that the United States is free today.

The history of their native country is rich in the spirit and drive for independence. They have every right to be proud of their background and heritage. The United States, which is a melting pot of racial and ethnic backgrounds, welcomes and is thankful for the contributions which have been made by Lithuanians. Many of them dream of the time when their mother country and the inhabitants of the other Baltic nations once again can achieve true freedom and independence.

This is a most appropriate time to reaffirm our faith in the Lithuanian people, who have continually worked toward our common goal of self-determination and human dignity. Let us extend our very best wishes to all Lithuanians on this day of celebration.

SENATOR AIKEN—FATHER OF THE WATERSHED ACT

Mr. GRIFFIN. Mr. President, recently I received a beautifully prepared brochure from the Agriculture Department, entitled "Let's Grow!" It was a pictorial sampling of the variety of benefits resulting from Public Law 566, the famous Watershed Protection and Flood Prevention Act of 1954.

There, in glorious color, are the visible proofs of what this program means to communities in every State of the Union. The stabilizing of small river systems has resulted not just in flood and erosion control, but also cropland restoration, economic growth, and the creation of recreational areas.

And all of this recalls, as well, that this is one of two outstanding contributions in water conservation and water use by the senior Republican Senator, our beloved GEORGE D. AIKEN of Vermont.

These programs are what might be termed the quiet but practical kind. They combine competence with good, hard common sense, both hallmarks of their author.

In 1954, Senator AIKEN, then chairman of the Senate Agriculture and Forestry Committee, introduced and successfully piloted through Congress the Watershed Protection and Flood Prevention Act.

A good Republican program, requiring local initiative—introduced under a Republican President, in a Republican Congress by a Republican Senator—it is now

acclaimed and claimed by many, regardless of party.

The sampling in the Agriculture brochure of the small river systems restored under the Watershed Act provides a refreshing slice of Americana: The Oliverian River, N.H.; Mud Creek, Ky.; Brush Creek, W. Va.; Hazel Creek, Ga.; Cypress Black Bayou, La.; Middle Fork Anderson, Ind.; Fall River, Kans.; Shoal Creek, Ill.; Mountain Run, Va.; Upper Nanticoke, Del.; High Pine Creek, Ala.; Buena Vista Creek, Calif.; Four Mile Creek, Okla.; Oak Middle, Nebr.; Upper East Forks, Tex.; Thompson Creek, Tenn.; Waianae Nui, Hawaii; Upper Rock Creek, Md.; Duncan Creek, S.C.; Flat Creek, Ark.; Wolf Run, Ohio; Twin Parks, Wis.; Booze Hill Lake, Pelucia Creek, Miss.; Paulins Kill, N.J.; Geneganstlet, N.Y.; Sutherlin Creek, Oreg.; and in my own State, South Branch Cass River, Mich.

These are not the type that get headlines—they do not involve the harnessing of some enormous river that drains half a continent. They do not require hundreds of millions of dollars. And they are just as feasible in a densely populated area as in completely rural countryside.

Later, Senator AIKEN became concerned that lack of dependable water supplies was hindering a potential for growth in thousands of small communities in America.

Therefore, in 1965, he introduced S. 1766, proposing a grant program to stimulate construction of water and storage facilities in rural communities of up to 5,000 population.

At that time, there were but 32 Republicans in the Senate. And the bill was opposed by the Johnson administration. Nevertheless, Senator AIKEN's bill was cosponsored by 92 other Senators, and passed the Senate by unanimous vote. Provision of aid for rural sewage systems was added in the House, and the final version of the bill passed by voice vote in both Houses, becoming Public Law 240, the Rural Water and Sewage Systems Act.

President Johnson became so enthusiastic about the program that thereafter, as was his wont, he listed it as one of the major accomplishments of his "Great Society."

The rural water systems program could be considered a fitting and practical complement to the watershed program of 1954. And both are examples of the keen eye for realistic approaches to problem-solving by Vermont's GEORGE AIKEN.

I would like to add one more comment. We have heard much talk about preserving the small town rural communities, and encouraging the dispersal of population to diminish the enormous overcrowding in metropolitan areas. Certainly, Senator GEORGE AIKEN's ideas have been, and will continue to be prime examples of how to provide the proper physical environment for such an effort.

INTERVIEW OF SENATE REPUBLICAN LEADER HUGH SCOTT

Mr. SCHWEIKER. Mr. President, a recent issue of the Christian Science Monitor contained an interesting interview by Godfrey Sperling, Jr., with the distinguished Senate Republican Leader HUGH SCOTT.

Senator SCOTT has shown outstanding qualities of leadership in the brief time he has served as Republican leader, and has been a great asset to the Republican Party. This article should be of interest to all of us, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCOTT'S SENATE STYLE—"THE PRESIDENT AND I MEET AS FORMER EQUALS

(By Godfrey Sperling, Jr.)

WASHINGTON.—It was inevitable that the successor to Everett McKinley Dirksen would be looked at with more than the usual amount of curiosity: How would his style as Senate minority leader compare with that of the colorful Senator from Illinois?

Now, in his own words, Sen. Hugh Scott (R) of Pennsylvania details his approach to the job. He says that the President regards him as a "phrasemaker" and a "strategist." Mr. Nixon, who served with Senator Scott in both House and Senate, calls Senator Scott the "old political master."

As the new session of the 91st Congress begins, Senator Scott, in a taped interview with this Monitor reporter:

Details his concept of "shared leadership" and says he will soon institute a "system of regional whips" within his leadership organization.

Says he sees no upcoming battle over the ABM and forecasts a Carswell confirmation to the Supreme Court.

The interview follows:

You have opposed the President on a few major issues. What would you say your relationship with Mr. Nixon is today?

I would say first that generally it is really excellent. The President has shown a very lively interest in my reelection as a Senator, for example. He's indicated this by doing a number of things privately which are helpful to me.

Moreover, to show his appreciation he's been good enough to call me when we've mopped up some victories.

I would say, too, that he has insisted that all of his staff give me the maximum support in my leadership responsibilities. And specifically, wherever we have a bill pending, members of the administration agency involved will be in my outer office, available to all Senators.

If it's a budget matter, the Budget Bureau people are here. If it's HEW, the HEW people are outside.

So the President, has insisted that we be given the best immediate technical advice possible.

Where else has the President been helpful to you?

He has been helpful in making some suggestions as to tactics. Also, I think that the Republican Senators are closer together today because they feel the President is exhibiting confidence in the Senate Republican leadership.

Then again, to be specific, I've had a number of meetings with the President. They occur several times a week during some weeks—and at least once every week.

Do you count yourself a close adviser to the President?

I would think it would be fair to say that I am, yes.

How would you compare your relationship with the President to that of your predecessor in this job—Senator Dirksen—with Mr. Nixon?

I think there are some inevitable differences to be noted. First, Senator Dirksen had his own style of operation. He got along extremely well with Democratic Presidents—and with this Republican President there was sort of uncle-nephew relationship.

The President and I meet not as equals but as former equals, as practitioners of the same trade over the same period in both houses of Congress. I was his personal adviser in the '60 campaign and supported him, as you know, in the '68 campaign.

He has a phrase for me. He calls me "the old political master" because he thinks I am a strategist. He also thinks I am a phrasemaker. He gives me credit there beyond my desserts. But he does make the point.

How do you feel your style of operation in this leadership job differs from that of Senator Dirksen?

My own feeling is that Dirksen handled any differences with the President with a very light touch—and that where I felt I could not fully or conscientiously support a presidential wish, I met it, I suppose, on a great level of earnestness and concern.

It's not a reflection on Senator Dirksen, because he handled his job with the greatest skill.

I suppose your style will emerge after you have been in the leadership job a little longer?

I think my style will probably emerge in the way I have begun—with my concept of shared leadership.

With Senators Taft, Knowland, and Dirksen, it was a one-man leadership. And it was not really shared. There was no confiding. With me it is shared.

For example, following the Tuesday policy luncheon it is Sen. Gordon Allott, chairman of the Policy Committee, who goes to the Senate press gallery to do the job that Senator Dirksen used to do with the press, rather than Senator Scott.

When conferences [Senate Republican caucuses] are called, it's Sen. Margaret Smith who is in full charge and who handles the press afterward. With regard to the whip count and the floor operations, it is often the GOP whip, Senator Griffin, who backstops me and whose job includes ascertaining what absentees we have and how our senators are going to vote.

Senator Griffin's daily advice is of the utmost value to me. Now, I found I didn't offer that advice to Senator Dirksen because he felt that he alone had to be the sole decisionmaker. And that was his way of leadership.

I feel that the way of leadership is to share it with the other party leaders and with the rank and file. And, therefore, I'm instituting a system of regional whips. I won't go into any details now except to say that it will involve a better and more constant monitoring of the floor, of the Senate, and of the debates.

I would judge from what you say that even if you become majority leader you will not be noticed as much by the public as was Senator Dirksen?

I think that the job involves a visibility that you can't avoid. But I am by no means the thespian that Dirksen was.

You have been in your new leadership position for four months now. Where have you found your biggest challenge?

The most difficult task has been to deal with the reality of being a minority. There are 43 Republicans and 57 Democrats. And one of our Republicans is out ill. Therefore it's the nature of things that the Democrats would expect to prevail unless we are, through leadership, sufficiently persuasive. Therefore we have to hold as large a percentage of our forces as we can and persuade some Democrats.

Specifically, what have been your accomplishments?

We have won some important rounds that were hard to win. We sustained a $200 million appropriation in the aid bill. We took out the objectionable Whitten segregation amendments. We won the Philadelphia plan.

And in my judgment we will sustain the President's veto of the HEW-Labor bill. Outnumbered as we are, I think the new leadership has a record it can point to with some modest pride.

In view of the upcoming elections, do you expect to see more of a challenge from the Democrats in Congress in this session and more of a Democratic movement toward alternative programs?

I think so. I think this session will be shorter and harder working and more infused with political fireworks. You can also see the smoke rising now from the scattered campfires on each party's hills. And the big fight I think will be to put the blame for inflation on the other party.

In this area the Democratic Party has already opened the session by trying to have it both ways—by asserting that it has actually cut the President's budget and then by seeking credit for having done more in the spending field for more people than anybody else had ever conceived of. They can't have it both ways.

What else do you see coming out of this session in the way of legislation?

A whole new package of crime bills: The criminal justice reform bill and the organized-crime bill now pending in the Senate. Bills on pornography and obscenity. A reform of the District of Columbia's judicial system. And perhaps one of the most important, the quite progressive and advanced drug-abuse bill.

In addition, I would hope that the House of Representatives will act on the family-assistance bill which I introduced in the Senate. I plan to introduce an environmental-quality bill to establish an agency to have control over all matters pertaining to the environment.

I would expect to see more antipollution legislation on a broader base, lasting for a longer time and involving more expenditures than presently existing.

We have airports and airways legislation coming up. We have consideration of various mass-transit measures. We have not finished acting on the cigarette-advertising bill. And, of course, Senator Mansfield and I are meeting with other Democratic and Republican leaders to discuss ways and means of expediting the appropriations process in Congress.

VICE PRESIDENT AGNEW'S LINCOLN DAY SPEECH IN CHICAGO

Mr. GRIFFIN. Mr. President, on Thursday, February 12, the Vice President of the United States made an important and perceptive speech at Chicago.

Mr. President, I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

We are met to commemorate the birthday of Abraham Lincoln, sixteenth President of the United States. The man whom we honor is remembered and revered as no other American has been—indeed, as few statesmen in the history of the world have been. He became the central figure in the most tragic drama of our national life; yet he came to be regarded with affection by the best of those who had fought against him, and by their posterity. Because of what he was able to do, we are able to celebrate his birthday as one nation. Yet the wisdom of his political acts has been fiercely disputed, and the justice of them has been denied by historians as much as by the hot-blooded political partisans of his lifetime. No one, least of all Abraham Lincoln himself, ever thought him infallible. In a curious way, Lincoln has become a symbol of human imperfection, struggling to do right as God gave him to see it and as he felt it within his own heart.

It is a melancholy fact that more Americans died as a result of the commands issued by Lincoln, as Commander-In-Chief of the armed forces of the United States, than by any other President. But Lincoln could in truth say that he never placed a thorn in any man's bosom. Lincoln was of that rare breed of extraordinary men who make ordinary men like ourselves feel kin to him and to each other. In his struggle with poverty, with business failure, with political defeat, with the death of his mother in early childhood, of his children in their youth, of his friends in their prime, he knew the sorrow that is closest to the heart and which, more than anything, links us all in a common humanity.

But Lincoln was not only a man of sorrow. He was also a man of indefatigable jest. During his presidency he was probably criticized more for his jokes than for any other single thing. Not, I should add, because the jokes were not funny, but because it seemed to his critics that the President should never be anything but solemn. Actually, it was only by his sense of humor that Lincon found relief from the terrible burdens that otherwise would have crushed him. As in the great Shakespearian tragedies he loved, the comic interlude was needed to relieve the desolation of the catastrophe that surrounded him and to prevent his sensitivity from becoming cynicism, a change that happens too easily to men at the summit of power.

It is always instructive to seek parallels between the times of great men and our own times—and between their difficulties and ours. Lincoln's political life was dominated by the evils of Negro slavery, sectional antagonism and, finally, political disunion and civil war. Ours has been dominated by international conflict, by world wars, and by racial and social turmoil. The Civil War ended chattel slavery and the threat to the Union, but it accelerated the industrial revolution that ushered into being the urban America whose problems beset us now.

In 1838—in what now appears as an idyllic era of the American past—Lincoln said that the American people lived under a government "conducive more essentially to the ends of civil and religious liberty than any of which the history of former times tells us." That these same American people imperfectly appreciated the blessings of their government was the theme of his speech. I think we can say the same today. Ours is still the freest government on earth; and we are still a restless people, dissatisfied with and unappreciative of our freedom. Perhaps it is the nature of a free people to noisily exploit their freedom rather than quietly count their blessings. We hear little of the discontent that lies, we know, behind the Iron Curtain. When voices do rise there, as they did such a short time ago in Czechoslovakia, they are soon silenced. Much of our dissatisfaction is the effect of our freedom; dissatisfaction breeds progress no less than protest, and we would not have it any other way. Nevertheless, we may declare with confidence that if ours is not a perfect form of government, it is the best there is; and we challenge critics not merely to point to its flaws, but to tell us what they would put in its place.

No one long in this world who is not a natural tyrant expects to have his own way in everything, or even to have it altogether in anything. A free society is one which is more or less successful in equalizing the limitations on us all in the interests of a civilized existence. The only worthwhile freedom is freedom under the law, because freedom without law results either in anarchy or despotism. The principal source of law under our form of government is majority rule. But to arrive at a majority, many compromises must be made among many opposing points of view; and minority rights must be respected. No one is, or ever should be, perfectly satisfied with the results of law in a free government because such law by its very nature embodies concessions to opinions with which we differ. But this does not give anyone the right to flout the law.

In 1861, a dissatisfied minority attempted to secede; that is, it attempted to withdraw from the rest of the American government of which it was a part, because it had failed to gain the majority in a free election. Civil disobedience in a free government—except for the non-disruptive testing of the legality of the law itself—whether that disobedience takes the form o secession, trespassing upon private or public property, the disruption of a college campus, the refusal to pay taxes, or the refusal to obey the order of a court—is a placing of oneself above the law and implies a superiority to the law-abiding. This is not only arrogance, but constitutes a denial of the equality pronounced in the Declaration of Independence, to which equality Lincoln rededicated the nation in the Gettysburg Address.

The limits upon free action in a free society are well expressed by the saying that one man's right to swing his fist ends where another man's nose begins. And the limits upon free speech are equally well expressed by the saying that no man has the right to falsely shout "Fire" in a crowded theater. In despotic governments, some men swing their fists as far as they wish; and they shout what they will without contradiction. But the price, let us remember, is that others have their faces smashed and their voices silenced. Those who denounce without self-restraint the limitations upon complete personal freedom in our form of government are more likely to curtail than to perfect that freedom.

Nowhere in today's United States is freedom more actively under discussion than on our campuses. This is as it shoud be. One could wish that the discussion would be somewhat more acute and dialectical; that more of men's minds, and less of their passions, were involved. A university is a community with its roots in two essentially different worlds, and the many paradoxes and tensions in higher education arise from this fact. Every university, every academic community, has its existence in a time and a place, in a nation, and a specific part of a nation. But, as it name suggests, it also belongs to a universe that is larger and different from any political community. A university is cosmopolitan, and its members are fellow citizens of the republic of arts, sciences, and letters that is beyond all nationality. When physicist meets physicist, mathematician, mathematician, classicist, classicist, they are joined with each other by a common good which is their vocation. And that vocation knows no boundaries of political geography, of civil law, of religion, or ideology. It is essential to the scientist and scholar that his work be restricted by nothing that might impede the discovery or recovery of truth in his field. But this does not prevent the free scholar or scientist from recognizing his indebtedness to the free government which appreciates and protects his independence. The free university should be loyal to the free society, while carefully protecting and preserving its autonomy.

As imperfect as any institution of this world, the university is nonetheless governed by the ancient and reasonable principle that the doctors, or qualified teachers of each discipline, lay down the rules for admitting people to study in their field; and they decide what courses should be pursued by apprentices and journeymen in order that these in their turn become masters and doctors. Where methodical instruction and extended training are needed to become qualified, it

is right and proper that men should be treated as unequal. For example, it is not right that the unqualified should sit on boards of admission to decide who is qualified to receive instruction in institutions of higher and professional learning. Neither a university, a business firm, nor a labor union should ever discriminate among applicants for membership upon any basis other than aptitude for learning and practicing its craft. But it should discriminate upon this basis. Among the applicants to a medical school, those best able to become medical doctors, in the opinion of experienced medical doctors, should be chosen in preference to any others. Everyone can see why this is true, because everyone knows that when he is sick, or his loved ones are sick, he wants the best possible medical assistance and nothing else.

But we should remember that it is no less important for society that all the other vocations, in the professions and the liberal arts have the same guidance of the untrained by the trained minds. For those who think that there should be ethnic quotas, or race quotas, or socio-economic class quotas in the admissions to colleges or universities I would address this question: When next you are sick, do you wish to be attended by a physician who entered medical school to fill a quota or because of his medical aptitude? When next you travel by jet airplane, do you want to go in a plane designed by engineers selected to fill a quota or by aptitude? When next you build a house, do you want an architect selected for architectural school by aptitude or by quota?

By some strange madness, we find the thought seriously entertained among men in responsible positions in the academy itself that the exigencies of society are such that the untrained should help choose those to be trained and that membership, whether as students or teachers, in institutions of higher learning should be determined fundamentally by considerations other than aptitude either for teaching or learning. Of course, the criterion of competence has in the past sometimes been honored more in the breach than the observance. But surely that is no reason to abandon it, as happens when the concept of what is erroneously called "open admissions" makes its way among some of our supercilious sophisticates.

Another less apparent but entirely pernicious and debilitating result of the use of quotas or "open admissions" is the automatic creation of a vested interest in making such selections reasonably successful. The same pressures which operated to bring about the favored admission status to those admitted because of race, socio-economic class or ethnic background continue to operate in favor of their successful completion of studies undertaken. Given an equal number of enrollees of each type, should the ratio of "quota" graduates to "aptitude" graduates be unfavorable, a strong presumption is created that the average "quota" enrollee is intellectually less suited to the skill sought than the average "aptitude" enrollee. This conclusion is repulsive to the liberal philosophy even though it may be true.

The first and highest obligation of a university is to perform its own functions well, according to the laws of learning itself. For it is in the institutions of higher learning that the arts of civilization in their highest reaches must be preserved, enhanced, and transmited. All that we in the political community hope to achieve must find its justification in the flowering of the human spirit as it confronts the mysteries of existence—of the universe—in those activities that transcend the political life. And our best political leaders, like Abraham Lincoln, are those who, amidst turbulent change, not only preserve us from destruction but remind us of the need we have for a saving wisdom of the permanent things.

ACTION, NOT RHETORIC, NEEDED IN THE FIGHT AGAINST POLLUTION

Mr. PROXMIRE. Mr. President, a recent editorial from the New York Times takes the Nixon administration to task for throwing up a smokescreen of rhetoric about the pollution question while doing little in the way of concrete action. As the Times puts it, it is becoming "harder and harder for the public to tell whether the environment is being saved or only revered."

No one could have been more pleased than I was by the emphasis on environmental problems in the President's state of the Union message. I agree completely that we must "act on programs which are needed now if we are to prevent disaster later." As the President observed:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now, they can be.

But where is the action to back up this lofty rhetoric? I question whether the President's actions to date support his rhetoric of urgency. For example, the President's Environmental Quality Council has met only three times since its inception, or an average of a little more than one meeting every 3 months. This record does not compare very favorably with that of the National Security Council—39 meetings, or an average of once every week and a half—or the Urban Affairs Council—20 meetings, or an average of once every 3 weeks. Clearly the infrequency of the Environmental Quality Council meetings suggests something less than a great sense of urgency to get on with the job of cleaning up our Nation's rapidly deteriorating environment.

In addition, I am concerned about placing exclusive reliance upon the Federal grant and cost-sharing approach to water pollution. The effectiveness of this approach was recently questioned by the General Accounting Office.

The GAO, in a study released last November, found that the more than $5 billion that has been spent by Federal, State, and local governments on water pollution in the last 12 years has not made our water any cleaner. If anything, we are worse off than before. It is clear that another approach is needed—either to supplement, or to suppiant, the grant approach.

The water pollution bill which I introduced in the Senate in November can do the job. My bill, S. 3181, would set up a schedule of effluent charges, and thereby provide industry with an incentive to control its own waste at the source. The cost of pollution control would be borne by those responsible, and the cleanup could be achieved without imposing a tremendous new burden on an already heavily overburdened Federal budget.

Perhaps the most important of all, the effluent charge idea is effective. We know it works. It has been tried in several communities in the United States, as well as abroad, and in each instance the quality of the water improved dramatically.

Today President Nixon is sending to Congress a special message outlining his fight to control pollution. I have already written to the President to infrom him of my effluent charge proposal, and I hope he will embrace this approach in his new program.

Mr. President, rhetoric will no longer suffice. The public expects action. It deserves no less.

I ask unanimous consent that my letter to President Nixon, and the editorial from the New York Times for February 7, 1970, be printed in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: I have been greatly impressed by the increasing attention that your Administration is giving to problems of the environment. As we enter the Seventies, the issue of environmental pollution is as serious as any that we face. A major commitment in this area by the Federal Government is absolutely essential.

At the same time, I applaud your efforts to reduce the Federal budget.

Existing pollution control programs, which over the past 13 years have cost federal, state and local governments over $5 billion, have been ineffective. An effort to make them effective would be enormously expensive. And the chances are good the effort would prove futile.

You may be interested, therefore, in a proposal I have introduced in the Senate which promises clean water in a comparatively short time without any significant budget burden. This proposal offers a way to launch an effective assault on the desperate problem of water pollution while at the same time permitting your Administration to hold the line on expenditures, to fight inflation and to balance the budget.

Essentially, my proposal, which is embodied in a bill (S. 3181) I introduced last November entitled the Regional Water Quality Act of 1970, would require those who pollute the water to pay for it. It would establish a system of national effluent charges. The charges would be imposed upon industries that pollute the water, in proportion to the amount of waste they discharge. The object is to make waste disposal a legitimate cost of production rather than a free service provided to industry at public expense.

Imposing effluent charges will give industry an economic incentive to cut down on the waste it discharges. The desire to keep the cost of doing business to a minimum will encourage industry to keep its waste to a minimum. And there is a very important corollary benefit: the money collected by the federal government will be available to help municipalities build more adequate waste treatment facilities.

Of course, the effluent charges would have to be set high enough to create an economic incentive. Otherwise, a danger exists that industry would regard the effluent charge as a license to pollute.

Fifty percent of the money generated by the effluent charge would be allocated to regional water management associations for the construction of waste treatment facilities. The remaining fifty percent would be made available to municipalities for municipal waste treatment works, on a priority basis determined by the Secretary of the Interior.

The effluent charge idea is simple, and it has been proven effective. We know it works. It has been tried in several communities in the United States, as well as abroad, and in each instance the quality of the water improved dramatically.

I believe the Federal Government must move aggressively in the fight against pollution and with the same urgency and ingenuity with which it pursued the race to the Moon. We are polluting our waters faster

than we are cleaning them up despite the expenditure of $5.4 billion between 1957 and 1969 by federal, state and local governments.

The strategy for fighting pollution proposed in my bill offers, in my view, the best hope of effectively reversing the trend toward increasing contamination of our Nation's waters. It promises to be more comprehensive and far more effective than present programs. Yet it is a program that would not further upset the delicate condition of our economy with major new federal spending. And, unlike the Hickel Plan which press reports indicate you have under consideration as an alternative to present pollution control programs, my proposal would not add further to the already back-breaking burden on the property tax.

I therefore urge that you give serious consideration to endorsing in your State of the Union Message this year, or in any subsequent special message to Congress you may plan on environmental problems, the approach to water pollution control that I have proposed. I would welcome an opportunity to discuss my proposal with you in person.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

POLLUTION BY GOVERNMENT

Hardly a week goes by that someone high in the Nixon Administration fails to pay his respects to the environment, which for political purposes is beginning to take on the combined attributes of flag and motherhood. The trouble with this admission of pure air and water into the pantheon of national symbols is that it becomes harder and harder for the public to tell whether the environment is being saved or only revered.

A case in point is the President's order to Federal agencies to move toward elimination of all polluting activity by the end of 1972. On the face of it, the directive is welcome. But if the public imagines that it heralds the end, or even a great reduction, of such activity by the very Government which is preaching a pure environment, the public is sadly misled.

The order is a clarification of President Johnson's on the same subject, and it proposes to spend more for the purpose. But the deadline for compliance with air and water pollution standards is farther off, by six months, than that set by the Johnson Administration, and requires not completion but only the beginnings of a corrective program.

More important is the question of how effective any such directive can be which expressly exempts all those agencies that can plead "national security." Chairman Russell E. Train of the new Council on Environmental Quality observed that the Department of Defense would be the largest single agency affected by the order, and certainly it has been by far the greatest violator.

No doubt something can be done to reduce pollution of various sorts in army camps and air bases. But does anyone seriously imagine that the Navy will rebuild its ships, that atomic installations will be redesigned, that chemical warfare plants will be dismantled—and all on a three-year budget of $359 million? Will ammunition plants be shut down until anti-pollution improvements are made?

Presumably not, in the name of "national security." What would be left of the program is still worth doing—for the example it might set if for no other reason. But what is essentially the renewal of an established and highly limited policy hardly warrants the fanfare with which it was announced. How will the country know when something really big and significant is in the (polluted) air?

ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, a Special Subcommittee on Great Lakes-St. Lawrence Transportation of the Commerce Committee is opening a series of hearings on problems confronting the transportation system on the Great Lakes. A number of these problems were recently reviewed at the 33d annual joint conference of the Dominion Marine Association and Lake Carriers Association last month. Mr. John J. Dwyer, executive vice president of the Aglebay Norton Co., gave a very perceptive address to the conference on "Improving Productivity of Industry in the Great Lakes-St. Lawrence Region." He pointed out how the shrinking Great Lakes fleet and discriminatory railroad rates to lake ports are frustrating the great potential for industrial development in the Great Lakes area.

I believe Mr. Dwyer's remarks deserve the attention of the Senate. Accordingly, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

IMPROVING PRODUCTIVITY IN THE GREAT LAKES-ST. LAWRENCE REGION

It is a pleasure to be here to meet with old friends of the U.S. and Canadian lake shipping industry. Talking shop as we have a chance to do in these pleasant surroundings has always led to helpful suggestions for solving our mutual problems and furthering the tremendous opportunities we both see ahead for the Great Lakes, St. Lawrence Seaway region.

Long before the older countries of Europe developed the idea of the common market, the U.S. and Canada had in effect developed a sort of North American common market and if you judge the success of such an arrangement by the growth rate in gross national product and in the standard of living of the populations on both sides of the border then you have to say the common working arrangements have been successful. In the future, they can be even more successful in realizing for the people of both our countries the bright promise of the resources, the capital, the energies we are enjoying.

We come together in this meeting in part at least to talk about how this long-standing and mutually beneficial partnership can be improved.

I would like to suggest that we give consideration today to the potential role lake transportation can play in the fight against inflation, one of the principal problems worrying the leaders of both our countries.

While naturally most of our attention is focussed on government actions in this area, too little attention, in my view, is being given to another way to break the cost-price spiral. It isn't the total answer of course. But it is an essential part of the answer, perhaps the most essential part of the answer in the long run.

There is an increasingly pressing need to increase the productivity of our use of labor, capital, and our resources.

In the U.S. as in Canada there have been vast increases in productivity since World War II. Everybody is aware of the great impact of the computer in improving productivity. Automation, often linked to the computer, has given us a vast boost in productivity. Unprecedented economies of scale, particularly in materials handling, have cut down unit costs. Miniaturization and printed circuits in the electronics field and the reduction of paperwork in all fields have provided substantial benefits. One can scan the entire panorama of agriculture, the extractive industries and manufacturing and see major advances on every hand.

We think of ourselves as caught up in an age of tremendous technological advance and yet—and this is a sobering statistic—in the United States the average advance in productivity, despite all our new technology, has, since the war, been less than 3 per cent a year. We have been running faster and faster to stay barely ahead of the rapid increases in labor and material costs. And now we are falling behind. In the early 1960's wages and productivity increases almost kept pace. Last year the average wage increase was about 6 per cent and the current demands will average out at much more than that if they prevail.

While we are hopeful that the governments of both our countries will be successful in curbing inflation, labor and management cannot escape the fact that real wages and real standards of living cannot rise unless output per unit of input, which after all is what we mean by productivity, goes up too.

Putting aside for a moment the thought of what sort of trouble we would be in if there had been less improvement in productivity over the past 20 years, it is surely obvious that we must all redouble our efforts to improve productivity.

I suggest that the states and provinces bordering the Great Lakes and the St. Lawrence River have an opportunity to make breakthroughs in productivity not as readily available to other parts of our North American common market area.

I refer specifically to promoting much more intensive use of the Great Lakes water highways both for interlake service and for export and import service.

We have been studying recently a most interesting analysis of the potential of the Great Lakes-St. Lawrence region prepared for the Detroit Edison Company by Constantin A. Doxiadis. Doxiadis has done useful work for the United Nations, the International Bank for Reconstruction and many other similar public and private organizations around the world. His study is not limited to Detroit, but takes into account the growth potential of the Canadian provinces and all the U.S. states bordering the Great Lakes and the St. Lawrence River.

The study was published in 1966 based on 1963 and earlier data and the estimate of the future growth of Great Lakes transportation was quite optimistic.

The study assumed that capital would flow freely into modernizing Great Lakes shipping and that the modernization of the Great Lakes-St. Lawrence system would continue on a reasonable schedule after the opening of the Poe Lock at Sault St. Marie.

On that basis, the study said that the ports of the Urban Detroit Area, including Toledo, Detroit and other ports as well as a greatly expanded Port Huron industrial area, would be handling 225 to 300 million tons of freight a year in the year 2000 compared to 77 million tons per year in the 1958–63 period. The Doxiadis staff is bringing their estimates up-to-date and hopes to publish soon a new volume on transportation in the Great Lakes region. We can expect it to be far less optimistic about lake shipping. Modernization of the balance of the Seaway system is not in sight and new capital is not flowing into improving the productivity of Great Lakes shipping in anything like the required volume. Indeed, except for two ships being built for private use, no new investment is going into U.S. lake shipping at all. A pessimistic forecast on lake shipping inevitably means a pessimistic forecast for industrial growth in the region.

The reason for the adverse effect on the economy of a decline in lake shipping is clearly indicated in Professor John L. Hazard's study of the Problems and Potential of the Great Lakes-St. Lawrence Transportation System, submitted to the Upper Great Lakes Regional Commission last month. He says bulk lakers and ocean-lake vessels lift 4 to 5 times the tonnage of the average bulk hauling trains and convey it at almost the same through speeds at line haul costs one-fourth to one-fifth of railroads.

A substantial decline in lake shipping therefore destroys one of the principal economic advantages of the lake region, very low cost transportation by water.

In recent papers I have given before the Toledo Chamber of Commerce and the Council of Lower Lake Erie Ports, I have pointed out that there is beginning to be a perceptible drift of industry away from the lake region. Economic growth is less than the national average for the states bordering the lakes on the U.S. side. I would except the area around Detroit from this decline in growth rates. And, although I do not have the figures, the strip of industry from Windsor to Hamilton, Ontario is probably growing at a very fast rate. But compared to Southeastern U.S., the states bordering on the Gulf of Mexico and California, the economic growth of the Great Lakes states can only be described as lagging seriously.

We should know why this is so and what can be done to reverse the trend, because such a trend makes no sense at all. Our region, as all of us here know, is richly endowed with raw materials, it is closest of all to the important markets of both our countries, it has a work-minded and highly skilled labor force, we have vast resources of capital and we have, on both sides of the border, management know-how capable of out-producing and out-competing other regions of the U.S. and also other countries.

I don't pretend to know all the answers to this problem, but one of the most glaring difficulties is the fact that both railroad and lake transportation are in trouble. Too little investment is going into either U.S. railroads or U.S. lake transportation to keep up with the present growth of the region, much less help stimulate a faster growth rate.

From the Illinois Central in the West to the Penn Central in the East has come testimony complaining that the revenues and earnings of the carriers are not sufficient to pay for new and more productive equipment in the volume necessary. Even the past three rate increases will not provide the earnings required for the very heavy new investment urgently needed.

The causes of the decline of the U.S. lake fleet are different, but the results no less alarming. The "for hire" segment of lake transportation has been under severe pressure. There are serious threats to its ability to perform efficiently, and perhaps even to survive on a significant scale. The fleet has been steadily shrinking as more and more vessels reach the end of their economic life and are scrapped and retired rather than replaced. The number of ship operators has declined. Obsolescene is a growing problem, and, except for private use, no new vessel has been built in 10 years. Adverse regulatory actions have resulted in a progressive narrowing of the traffic base. It is becoming increasingly difficult to serve smaller shippers and receivers economically. And costs are rising ominously.

What is the significance of a decline in transport efficiency? Nationwide, transportation accounts for 10 cents of every dollar of gross national product. For the low-valued products like coal and ore, transport costs can be double and triple that amount. Since the Great Lakes economy is made up of heavy industry and heavy industry in turn depends on the cheap movement of millions of tons of raw materials and semi-finished products, inefficiencies and inadequacies in transportation can be an all-pervasive and highly significant factor in slowing down a region's growth rate.

The inability of the business leadership of the region to develop a program to reverse the present deterioration of low cost water and rail service and the failure of the various agencies charged with responsibility for the health of the transport agencies to act in a coordinated fashion have been disappointing.

The approach has been fragmented, uncoordinated and short term. The railroads, the coal companies, the auto manufacturers, the electric utilities, the producers of ore and limestone, the ports and the steamship lines have not yet learned to work together to make the most out of the advantages the region has, and the most significant difference between our region and other regions is the broad low cost water highway of the Great Lakes-St. Lawrence system itself. More intensive use of this water highway could produce a major increase in productivity for the region.

One of the most notable failures of economic policy in the region is the failure to make a breakthrough in improving the coordination of rail and water service. Potential savings in transportation costs of 10 to 30 per cent can be achieved by joining the best efficiencies of rail and water. The recent study by the Bureau of Mines of the potential market for U.S. coal in Canada put the problem more politely than I have ever seen it put before. "Modern self-unloaders are in use and larger ones are planned. New coal cars and locomotives are in use in various parts of the country. Unit trains are no longer a novelty. What remains is to pull the techniques together, to bring the general level of practice up to the best."

Others have put it less politely. The railroads, because of their ability to manipulate the rates to the Great Lakes Ports, are in a position to stand on the oxygen hose of the lake shipping industry and thus have the power to smother most of it. They can triumph not because they are more efficient, but because they can decide the level of rates for the port and thus have the leverage to control whether or not the lake shipping industry lives or dies. Professor Hazard points out in his recent study: "What the railroads would do with rates after extinguishing much of the competitive carrier service has not been properly visualized." That is certainly a considerable understatement.

The Port of Toledo has been a leader in the fight to improve coordination of rail-water service at the lake ports and has experienced several years of frustration as a result. W. W. Knight, Chairman of its Board of Directors, has minced no words in assessing the situation. "The greatest concern since the opening of the Seaway is the apparent determination of the railroads to handicap Great Lakes ports by absolutely refusing to provide fair and equal rates from and to the lake ports' hinterlands. The railroads' action is not passive. Rather, it takes the form of aggressive rate cuts from Great Lakes hinterlands states to North Atlantic ports, accompanied by a bland refusal to accord proportional adjustments to the geographically closer lake ports."

The plain fact is that the failure of rail-water coordination is not only costing the region heavily today, but, in the future, if it is allowed to continue, it could be a major factor in the decline of the region as the U.S.–Canadian industrial heartland. Whatever seriously hurts the U.S. side of the border will, in the end, adversely affect the Canadian side.

The problems of reviving Great Lakes transportation may sound overwhelming, but actually we have within our grasp a relatively simple remedy which will unlock tens of millions in new investment for more productive U.S. lake shipping. It is to end the active and calculated rate discrimination against Great Lakes ports by the railroad industry.

Until reasonable rules of inland access to traffic are developed and equitable rates are provided to the lake ports, Great Lakes-St. Lawrence shipping—and the economic advantage of low cost water transport to the region—will be severely handicapped.

What is the real economic penalty to the region of a declining lake shipping industry? We can get a glimpse of the potential for greater efficiency in some of the proposals that have been made for improved water-rail coordination. The lake ports, for example, will give you chapter and verse on what a tremendous handicap it is to industries within range of the Great Lakes-St. Lawrence system to have to ship their products via east coast ports for export instead of directly via the Seaway. Rail rates are so designed that traffic has to make the long rail haul to the east coast and is burdened by that extra cost, instead of making the relatively short haul to the lake port and maximizing the economic contribution of cheap water transport. How much the manufacturers in Mid-America suffer from the special local transportation burdens they are forced to bear, no one knows. But it is certainly a heavy burden. The practice has chased all U.S. flag international shipping off the Seaway. American steamship lines can't afford to service the Seaway ports when they are subject to the disability of discriminatory rail rates to the ports.

The principle that needs establishing is that the transport resources of the region be used in the most efficient and effective way possible. As the situation is today, industry is foregoing multi-million dollar benefits in increased productivity which would certainly result from improved water-rail coordination.

We have pointed out that only the construction of vessels embodying the most advanced technologies can produce the operating efficiencies and economies which alone hold out a substantial promise of reversing these adverse trends. For example, the most efficient self-unloader today puts 3,000 to 5,000 tons of coal an hour on the shore. New equipment already designed could unload 10,000 to 15,000 tons hourly, drastically shortening vessel time in port, and greatly improving turn-around time and vessel productivity. Such a leap forward in basic efficiency, together with more automated engine rooms, better designed hulls, and many other refinements could, on a new Great Lakes self-unloader built today, make possible a piece of floating machinery at least twice as efficient as the most modern U.S. self-unloader now operating on the Lakes, with concomitant savings of great consequence to shippers and carriers alike. But it is clear that revenues and earnings now in prospect are not sufficient to justify the heavy investment of private-risk capital which is needed for such construction.

The problem of Great Lakes shipping has been studied to death. What is needed is action along relatively simple lines. There is, I believe, a growing realization among the major industries of the Great Lakes-St. Lawrence system that all is not well with the rail and lake services on which they depend. When these industries come to understand the implications of the decline in transport efficiency for future regional growth and development, lake shipping may get some crucial support.

On the key issue of improving productivity by joining the best efficiencies of rail and water, the U.S. lake carriers are engaged in expensive litigation before the ICC to establish the necessary legal framework for non-discriminatory treatment of the lake ports. We expect to win that case. In the meantime we are urging on the ICC specific ideas for savings in transportation costs

through improved coordination. For example, the railroads have so far refused to supply their most efficient unit train service to the lake ports. One of the Great Lakes shipping lines has offered to invest in a unit train for the transportation of coal from the mines to Ashtabula for transshipment beyond by lake vessel. The estimated overall saving in transport costs for the rail-lake service is between 21 and 30 per cent over the present all-rail. We are hopeful that the railroads, the ICC and the State authorities involved will help make their type of money savings improved coordination a pattern for the 1970's.

Our basic approach is that providing transportation in the most efficient manner possible is good for everybody, including the railroads. If, as seems to be the case, growth is slipping away to other parts of the continent, then the railroads are losers along with all the rest of us. It has recently been suggested that the ICC take the leadership in improving coordination of rail and lake service through a process of knocking heads together.

Unquestionably there is a tremendous growth potential for the established Great Lakes-St. Lawrence industrial heartland on both sides of the border. The industries in this region in both our countries are interrelated. Transport efficiency can stimulate or retard every aspect of the regional economy. Without the influence of a revived and expanding lake service it will be impossible to catch up with rising costs of labor and materials and reverse the economic slippage in regional growth.

With revived lake vessel industry, I have no doubt that the continental industrial heartland represented by the States and Provinces surrounding the Great Lakes and the St. Lawrence will develop a surge of dynamism appropriate to its traditional leadership role.

LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, discussing the subject of human rights, I have maintained that the most basic and fundamental human right is the right to life. And it is almost axiomatic to state that the right to liberty, freedom, and happiness is a vital part of the right to life. In the American Declaration of Independence our Founding Fathers declared that the right to life, liberty, and pursuit of happiness was inalienable and the colonists went to war with England to secure it.

Today, February 16, is the 52d anniversary of Lithuanian independence. It is fitting that we in this body remember and pay tribute today to the Lithuanian people whose struggle for freedom has been warmly supported by Americans.

In 1795 Lithuania was annexed by Russia and was dominated by czarist regimes for over 100 years. During this time Russia embarked on a deliberate policy of attempting to obliterate the Lithuanian language and culture and replace it with Russian. The attempt failed. The Lithuanian people resisted Russian cultural genocide. Then in 1915, German occupation replaced Russian domination.

But with the growing European chaos that accompanied the end of the First World War came Lithuania's moment for independence. On February 16, 1918, an elected council proclaimed an independent Lithuanian state based on democratic principles. A brief Russian occupation was followed by a period of full Lithuanian independence during which time Lithuania joined the League of Nations.

In the Second World War Lithuania was occupied by both Germany and Russia. During the war almost all Lithuanian Jews were executed by the Nazis. Though a puppet government declared Lithuania a constituent republic of the Soviet Union in 1940, total Soviet control did not come until the Soviet armies occupied Lithuania in 1944.

In spite of the fact that Lithuania has effectively been raped by the Soviet Union, and though its sovereignty has vanished, we in the United States have never recognized the incorporation of Lithuania into the Soviet Union. We still recognize an independent Lithuania and maintain diplomatic relations with the independent Lithuania State which has a legation in Washington. As Secretary of State Rusk wrote in 1967 to the Lithuanian chargé d'affaires ad interim:

> United States support of the Lithuanian people's just aspirations for freedom and independence is reflected clearly in our refusal to recognize the forcible incorporation of your country into the Soviet Union and in the warm sympathy manifested by the American people in the Lithuanian cause.
>
> In continuing to look resolutely toward a free and independent existence, the Lithuanian people both here and abroad have established a firm foundation for the hope of free men everywhere that the goal of Lithuanian national self-determination will ultimately be realized.

I can but echo the Secretary's sentiments and reaffirm my belief in the basic principles of life, freedom, and dignity for all human beings.

FIFTH ANNIVERSARY OF THE MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Mr. MILLER. Mr. President, in the relatively short time since its establishment on February 15, 1965, the Military Traffic Management and Terminal Service has improved the effectiveness and efficiency of traffic management support of the Nation's Armed Forces through the elimination of duplication. As the newest of the single manager transportation agencies in the Department of Defense, it has brought together functions and resources formerly lodged in a number of agencies.

U.S. Army Maj. Gen. Clarence J. Lang, formerly of Iowa City, Iowa, present commander of MTMTS, has had a varied and distinguished career in the logistics and transportation field. No stranger to Washington, General Lang first served in the Nation's Capital with the Transportation Division, J–4 in the office of the Joint Chiefs of Staff. Two years later, he served as special assistant to the Army's Chief of Transportation and in 1961 became deputy of the Military Traffic Management Agency. A Transportation Corps officer since 1950, he is acknowledged throughout the Military Establishment and industry as one of the country's foremost experts on transportation and traffic management matters. The Nation is indeed fortunate in having in its service Major General Lang.

The fifth anniversary marks a special milestone in the history of the Military Traffic Management and Terminal Service. In this period of trial, the validity of the original concept for MTMTS has been thoroughly tested and proved sound. The experience gained has opened up new vistas and new opportunities for improvements in military transportation service, as well as opportunities for the avoidance of unnecessary cost through skillful management.

It is particularly fitting that we salute the fine record of achievement established by MTMTS personnel during these past 5 years in meeting all Defense transportation requirements thrust upon them.

On February 15, 1965, the Honorable Stephen Ailes, then Secretary of the Army, marked the activation of the Military Traffic Management and Terminal Service, by presenting the agency's charter to its first commander, Maj. Gen. John J. Lane.

The new organization was charged by the Department of Defense with providing "effective, responsive and economical support to the military department, the Joint Chiefs of Staff, the unified and specified commands and other DOD agencies in the areas of military traffic management, land transportation and common-user ocean terminals." Considerable history and a good deal of frenetic planning lay behind that imposing mission statement.

MTMTS was the product of a growing trend toward unification of those functions within the Department of Defense which could be shared in common by the several services. In the years immediately following World War II, a curtailment of wartime defense budgets lent urgent emphasis to intensified management of the resources of the military departments. The duplication and overlapping in the field of transportation were natural candidates for reform. The more idealistic—and simplistic—defense planners envisioned the assignment of the various types of transportation activities—air, sea, and land—to the military departments best qualified to handle them.

The rationale worked well with the assignment of the air transport mission to the Air Force, which gave the responsibility to the Military Air Transport Service, established in June 1948. The following year the Navy's Military Sea Transportation Service assumed the sealift chores for DOD, taking over the world's largest fleet of cargo ships from the Army.

The task of delegating the responsibility for land transportation was not so easily accomplished. To begin with, there was the matter of semantics. "Land transportation" is a misnomer. The definition of the function does not parallel that of air or sea transportation, which are operationally oriented. The term "land transportation," as used by the planners, meant "transportation management within the continental United States," and it was not limited to the earthbound modes of transportation. Moreover the CONUS land transportation manager would not have his own assets, but would rely on commercial carriers for support.

Finally—and most important—the services strongly resisted any plan to divest them of responsibility for managing their own traffic. This resistance was predicated on the concept that traffic

management was inseparable from—and subordinate to—the supply system, and since each service managed its own supply, it followed that each would manage its own traffic.

Although the need for centralized traffic management operations for the Armed Forces was recognized, and strongly recommended, by many prestigious studies, the military departments fought the Korean war without the services of a central traffic manager. Not until the mid-1950's, under the impetus of a "single manager" approach to the consolidated and integrated handling of common military supply and service operations, did the plan to centralize traffic management make significant headway.

On the first of May 1956, the Secretary of Defense designated the Secretary of the Army the single manager for traffic management within the continental United States. Two months later, the Military Traffic Management Agency—MTMA—was established.

MTMA, the first of the MTMTS forebears, was a field activity of the Army's Chief of Transportation. During its 5½ years of operation, the agency not only saved money for the military departments, but went a long way toward overcoming the traditional resistance to the unification of military traffic management.

On January 1, 1962, MTMA became the Defense Traffic Management Service—DTMS—a field agency of the recently formed Defense Supply Agency. MTMA's reassignment stemmed from a move to bring under one organization all of the operating agencies designated as commodity single managers, as well as the various common services directly associated with supply management. CONUS traffic management was one of these services. The mission of the organization remained essentially unchanged, but the Director of DSA replaced the Secretary of the Army as single manager for traffic management.

The transformation of DTMS to MTMTS came about as a result of an interservice study of the CONUS air and ocean terminal system, performed in 1964 at the behest of the Deputy Secretary of Defense. The study team recommended that the traffic management and terminal management functions be lumped under one manager. The concept was approved, and the Secretary of the Army was given the mission. The functions of DTMS reverted to the Army, and a new agency was organized. The terminal management mission was formally recognized by adding two letters to the acronym. MTMTS was born.

The birth was not without its attendant pangs. The intensive planning effort that heralded the acouchement began late in November 1964, under the aegis of the Army's Chief of Transportation. In mid-December the DTMS commander, Maj. Gen. Rush B. Lincoln, Jr., who had been named commander-designate of the new agency, took charge of the planning effort. Upon his retirement at the year's end, he was succeeded as chief planner by General Lane.

The planning group concerned itself with identifying the functions that MTMTS would undertake, and the organization that would best fit its needs.

General Lane had succinct guidance for his task force:

> We'll be living with the products we're producing today, so we'll have a good yardstick to see how well we do. Do your job well and do it simply.

The measure of the degree to which the planners heeded General Lane's instructions can be found in the record of accomplishments compiled by MTMTS in its first 5 years of existence.

By coincidence, MTMTS' formative years paralleled those of the intensification of the war in Vietnam. The MTMTS staff was denied the luxury of leisurely trial and error as they honed the command's capabilities. The necessities of supporting the burgeoning war machine in Southeast Asia were superimposed on the task of refining the structure and performance of the agency.

A glance at some of the salient statistics is enough to illustrate the quantum jump in the MTMTS workload due to the Vietnam conflict:

CONUS passenger travel, which had stabilized at 4½ million military travelers in the 2 prewar years—fiscal years 1964 and 1965—climbed to 7.2 million passengers in fiscal year 1967, before beginning a gradual reduction.

The number of passengers moving overseas jumped from less than 200,000 in fiscal year 1965 to well over 800,000 in fiscal year 1969.

From fiscal year 1965 through fiscal year 1968, the number of military freight shipments increased 15 percent, vehicle tonnage increased 47 percent. The percentage of shipments directly controlled by MTMTS during the 4-year period increased from 16 to 22.5 percent, while MTMTS control of costs climbed from 75 to 84 percent. Throughout the period MTMTS controlled tonnage amounted to more than 96 percent of defense shipments.

The ocean terminal workload in fiscal year 1968 approached 22 million tons, more than 2½ times the fiscal year 1965 figure.

Statistics like these, in and of themselves, mean little. Stack them against the economies achieved and the management practices instituted by the MTMTS staff, and an impressive picture results.

Freight traffic management savings for fiscal year 1968 totaled more than $138 million. For fiscal year 1969 the figure jumped to $184 million, an all-time high.

Passenger traffic management improvements produced cost avoidances of $13 million in fiscal year 1968; over $12.5 million in fiscal year 1969.

Defense shipper services realized more than $2 million in cost avoidances in fiscal year 1969, thanks to MTMTS customer assistance efforts. That figure seems slight in comparison with the $2 billion expenditure that MTMTS influences annually, but the share of those savings that accrued to each of the individual shipper's transportation budget was highly significant.

Increased use of containers, including participation in a successful test of the use of containers to transport ammunition; development of a program to consolidate small freight shipments and establishment of consolidation centers; negotiation of a rail tariff to move unit impedimenta at a single rate; sponsorship of a program to move household goods by air to oversea destinations at less than surface costs—these are a few of the management techniques that have highlighted MTMTS' first half decade.

The initial 5 years also witnessed important developments in internal resource management. Nonessential subordinate elements or staff agencies were eliminated or consolidated. Operating procedures were streamlined. Great strides were made toward development of an automated data processing system—acronymed AUTOSTRAD—to support the various phases of MTMTS operations.

General Lane retired from the Army in April 1969, passing the MTMTS helm to Maj. Gen. Clarence J. Lang. General Lang, who had been a charter member of the initial MTMTS study group, immediately made it clear that he would expand upon the initial gains made by MTMTS.

In his first public appearance after taking command, General Lang spoke of his intent to establish better dialog between and among MTMTS, the Nation's transportation industry, and the other defense single managers:

> I intend to do everything in my power to strengthen the kind of teamwork which improves our defense transportation capabilities and posture.

With those words, General Lang established the tenor of his command philosophy. In subsequent discussions with his commanders and directors, he elaborated upon his blueprint for the future: Better management of military transportation operations; reduction of the transportation cost component of the total delivered costs of commodities; in cooperation with the other transportation single managers to upgrade the defense transportation system; strengthening the technical base of the installation transportation officer operations; improving the quality of personal property moving and storage services—an objective of primary concern to all military service members—making MTMTS pay its way in the Defense Establishment.

These goals will guide MTMTS in the 1970's, as it builds on the firm foundation of the first 5 years.

INVESTIGATION OF UMW ELECTION BY SUBCOMMITTEE ON LABOR

Mr. JAVITS. Mr. President, an editorial in the February 9, 1970, issue of the New York Times calls attention to the investigation of the recent United Mine Workers election already commenced by the Subcommittee on Labor under the chairmanship of the Senator from New Jersey. While I have previously voiced my concern that the investigation be conducted without prejudicing any possible future litigation, either in connection with the election or the tragic murder of Joseph Yablonski, I have no doubt that a properly conducted investigation is warranted, among other things to ascertain if there are weaknesses in present

law, particularly the Labor-Management Reporting and Disclosure Act, which need correction. I also call the Senate's attention to the part that the Subcommittee on Labor also intends to investigate thoroughly the abuses which have been claimed to exist in the UMW and other pension and welfare funds. This is a subject in which I have long been interested and concerning which I have authorized comprehensive legislation; namely, S. 2167.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECTING UNION DEMOCRACY

The Democratic leadership in the Senate has wisely decided to authorize a broad inquiry into legislative questions raised by the murder of Joseph Yablonski. The mine union insurgent died believing that his challenge of abuses in the United Mine Workers had been frustrated by the Labor Department's highly legalistic interpretation of its obligations under the union democracy provisions of the Landrum-Griffin Act.

More than a decade has passed since the law was put on the books, and the country will benefit from an open appraisal of its strengths and weaknesses.

The inquiry will be conducted by a Senate Labor subcommittee headed by Harrison A. Williams Jr. of New Jersey, whose thorough investigation into the condition of migrant farm laborers indicates that the Yablonski study will be at once rigorous and constructive.

THE CHOCTAW INDIAN TRIBE

Mr. HARRIS. Mr. President, I shall introduce, for appropriate reference, a bill to repeal the act of August 25, 1959 (73 Stat. 420), as amended. This act, as originally passed, provided for the termination of the Choctaw Tribe, one of the five civilized tribes, over a 6-year period and set forth the manner in which disposition of the property belonging to the tribe was to be made. The termination has, by subsequent legislation, been extended to August 25, 1970.

Termination of the Indian tribes became popular during the 1950's and became the policy of the Federal Government. Fortunately the desire to see such a policy implemented weakened during the 1960's, although from time to time mention is made of terminating the Indian tribes. We have begun to realize, and hopefully this realization will be stronger in the 1970's, that our efforts should be directed at affording Indians in all respects of their lives a greater degree of self-determination. Not only is this the right thing to do, it is by reason of treaties our responsibility to not terminate the Indian tribes but to assist them by providing educational and health assistance that will enable them to decide their own future.

Although the Choctaw Tribe is one of the five civilized tribes, it is the only tribe that faces termination. There is nothing in the historical background, nor do present circumstances dictate, that the Choctaw Tribe be treated differently and be terminated. The principal officer of both the Choctaw and the Chickasaw Tribes—the Chickasaws are affected by the required sale of jointly owned property—members of the tribes, and the Oklahoma congressional delegation, support this legislation and strongly oppose termination of the Choctaw Tribe.

If termination occurs, there are those who interpret the 1959 act as completely eliminating the rights of the individual members of the Choctaw Tribe to health, educational, and other benefits they have been receiving and which members of other tribes will continue to receive. While I do not agree with this legal interpretation, the threatened loss of these much needed services is causing great concern.

There is nothing to be gained by terminating the Choctaw Tribe. Confusion and suffering will be the result. I, therefore, urge prompt action on this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CALL OF THE CALENDAR

The PRESIDING OFFICER. Under the previous order, the clerk will report the first resolution.

AERONAUTICAL AND SPACE SCIENCES COMMITTEE

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 659, Senate Resolution 332, to authorize additional expenditures to the Aeronautical and Space Sciences Committee for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Aeronautical and Space Sciences to expend not to exceed $40,600 during the current investigative year for inquiries and investigations.

During the last session of Congress $40,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $26,074. The pending request represents an increase of $600 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 332 with an amendment which would revise the title only.

Senator ANDERSON is chairman of the committee, and Senator SMITH of Maine is the ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. RES. 332

Resolved, That the Committee on Aeronautical and Space Sciences, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the aeronautical and space activities of departments and agencies of the United States, including such activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. (a) For the purposes of this resolution the committee is authorized, from February 1, 1970, through January 31, 1971, inclusive, to (1) make such expenditures as it deems advisable, (2) employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants, and (3) with the prior consent of the head of the department or agency of the Government concerned and the Committee on Rules and Administration, utilize the reimbursable services, information, facilities, and personnel of any department or agency of the Government.

(b) The minority is authorized to select one person for appointment as an assistant or consultant, and the person so selected shall be appointed. No assistant or consultant may receive compensation at an annual gross rate which exceeds by more than $2,700 the annual gross rate of compensation of any person so selected by the minority.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $40,600, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Aeronautical and Space Sciences for inquiries and investigations."

COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 331) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations was announced as next in order.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 39 Leg.]

Allen	Griffin	Saxbe
Allott	Holland	Schweiker
Bellmon	Inouye	Scott
Boggs	Jordan, N.C.	Sparkman
Byrd, W. Va.	Jordan, Idaho	Stennis
Church	Mathias	Talmadge
Cotton	McClellan	Thurmond
Ellender	McIntyre	Williams, Del.
Ervin	Pastore	Young, Ohio
Goldwater	Prouty	

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from

New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from Montana (Mr. MANSFIELD) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Anderson	Hatfield	Nelson
Baker	Hollings	Packwood
Bayh	Hruska	Pell
Bennett	Hughes	Proxmire
Byrd, Va.	Javits	Randolph
Cannon	Long	Russell
Cook	McCarthy	Symington
Cooper	McGee	Tower
Eagleton	Miller	Tydings
Eastland	Mondale	Williams, N.J.
Harris	Moss	Yarborough
Hart	Murphy	
Hartke	Muskie	

The PRESIDING OFFICER. A quorum is present.

WAIVER OF 5-MINUTE LIMITATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the consideration of the various money resolutions today, the 5-minute limitation under rule VIII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from North Carolina.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. Mr. President, I yield to the Senator from Delaware.

SENATE RESOLUTION 332

Mr. WILLIAMS of Delaware. Mr. President, I notice in calling attention to Calendar No. 659, Senate Resolution 332, that last year this committee expended $26,074. This year they are asking for $40,600, which is an increase over their expenditures last year of $13,926. I wonder why this additional amount of approximately 40 percent more than they spent last year is requested.

Mr. JORDAN of North Carolina. They have asked for two additional employees this year. They asked for only $600 more. They turned back part of their money last year.

Mr. WILLIAMS of Delaware. That is correct; last year they requested $40,000 and spent $26,074. This year they have asked for $40,600. Why is this increase needed?

Mr. JORDAN of North Carolina. They appeared before the committee and requested two additional staff members. That was the reason for that.

Mr. WILLIAMS of Delaware. I notice, with respect to the next resolution listed, No. 331, Calendar No. 660——

Mr. JORDAN of North Carolina. Would the Senator mind taking these in order?

Mr. WILLIAMS of Delaware. That is the next one.

Mr. JORDAN of North Carolina. Which number was that?

Mr. WILLIAMS of Delaware. Senate Resolution 331.

Mr. JORDAN of North Carolina. Would the Senator mind if I made my general statement before we get into these individual items?

Mr. WILLIAMS of Delaware. Surely.

Mr. JORDAN of North Carolina. Some Senators may not know why we are here. I think all Senators are interested in these items.

Mr. President, for the information of the Senate, 35 resolutions providing funds for various committees and subcommittees of the Senate to conduct inquiries and investigations for the coming year were referred to the Committee on Rules and Administration. That committee held 3 days of hearings at which representatives of the committees and subcommittees involved testified in support of the funds requested. In addition, the Senate Committee on Rules and Administration required written justification and budgets on each proposal.

More often than not in the past, the Rules Committee has amended many of the so-called money resolutions to reduce the amounts requested. This year, all 35 resolutions have been reported unanimously without reduction. The total amount involved in the pending resolutions is $8,414,300, which represents an increase over the total authorization for similar purposes last year of $974,300.

The reasons for the increase or decrease in the amounts requested by specific committees and subcommittees will become apparent as each resolution is considered, but I feel that a few general observations would be appropriate at the outset.

The largest single factor contributing to the higher amount requested this year is the significant increase in staff salaries granted by Congress last year, and the concomitant increases in contributions required for various employee benefit programs, plus the larger per diem allowance recently enacted for official travel.

As Senators know, that allowance was increased from $16 a day to $25 a day, which was in line with what they were doing in the House of Representatives.

The Rules Committee understands that the sums asked for had the complete approval of both the majority and minority members of the committees involved. In one instance, the Committee on Government Operations combined two subcommittees, resulting in a substantial savings of funds. In another instance, involving the Committee on Labor and Public Welfare, a subcommittee which was separately funded last year has been discontinued.

Admittedly, there are instances of new or expanded proposals requiring funding on a higher level than during the previous year. I have in mind the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, which seeks $135,000 of that committee's total budget. That is a new committee which was formed this year, and which I think can justify the amount asked, because it deals with very important questions of public concern today. The Subcommittee on Air and Water Pollution of the Committee on Public Works seeks $163,500. This is another new subcommittee.

The interest of the public, the administration, and Congress in these vital and timely subjects convinces the Rules Committee that the funds sought should be allowed.

In keeping with long-established practice, the Subcommittee on Privileges and Elections has requested $150,000 for potential election year needs. Past experience has demonstrated the wisdom of having this money available during election years to enable its minimal staff to be expanded, as and if need arises, to investigate election complaints, or election contests which might include frauds. In the absence of such eventualities, it is anticipated that at least one-half of the requested sums will be returned to the Treasury. Over half of it was returned last year.

At this point, Mr. President, I would like to invite the attention of the Members of the Senate to the large committee-print table dated February 9, 1970, and entitled "Senate Inquiries and Investigations," a copy of which has been placed on each desk in the Chamber. In concise but complete form, this table gives all of the essential financial information concerning the 35 resolutions pending before the Senate.

As each individual resolution is called in calendar order, I plan to make a brief statement and then yield temporarily to the chairman of the particular committee concerned, if debate is desired, or if Senators desire to ask questions.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. WILLIAMS of Delaware. I am raising the questions on these resolutions because while the Senator has pointed out that the salary increases would justify a part of these increases they would not explain all. I invite attention to the fact that these salary increases went into effect for most of last year, so the committees are operating on pretty much of a comparable basis.

Taking these committees as a whole, I note that Senators are asking for $1,594,370 more to run these same committees this year, 1970, than was spent last year. Can the excuse be that this is an election year? Congress will not be in session as long as it was last year. Most of the Members will be back home campaigning, and certainly none of this committee money should be used for campaign purposes. Therefore, I am wondering how these increases can be justified when this year they will only be operating for about 9 months.

As I mentioned earlier, the resolution that was reported previously calls for a 40-percent increase over last year's expenditures. With respect to the pending resolution, Senate Resolution 331, $225,000 was requested for 1969. The committee spent $223,303, and this year they are asking for $300,000, a 33⅓-percent increase.

Could we have an explanation as to why this increase will be needed?

COMMITTEE ON ARMED SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Calendar No. 660. Senate Resolution No. 331, authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. JORDAN of North Carolina. The Senator from Mississippi (Mr. STENNIS) is in the Chamber, and he will speak to this matter, because he is chairman of the subcommittee.

I wish to point out one thing. The Senator from Delaware has stated correctly the situation as to the staff salary increases. However, that was up to July 1 of last year. This increase will be for a full year.

Mr. STENNIS. That is correct.

Mr. JORDAN of North Carolina. It will be for a full year, and it includes insurance and retirement fund payments. The other was for a half year.

I ask Senator STENNIS to explain that.

Mr. STENNIS. In the first place, this is an additional staff that the Committee on Armed Services has to have in order to carry out its functions. Instead of being overstaffed, we are still understaffed by ordinary standards. Some changes have been made in the staff, which required higher salaries. We had to direct more attention to what I call the budget items, more attention to in-depth probing of a great many of these funds.

Senators will recall that last year the matter of the authorization bill for military hardware was debated on the floor of the Senate for 8 weeks, lacking 1 day—8 weeks of active debate. That does not include the 3 weeks during which the Senate was in recess. A very serious challenge was made to a great many of the weapons, in addition to the ABM, which was a new system, to a degree. That bill went to conference, and we did not complete action on it until approximately the first of October. We had an item in there for $8 billion for the broad category of research and development, and we went into it in depth, as much as time would permit.

We started immediately then to get ready for this year. I was not satisfied with the lack of some information. We employed a man who is greatly experienced in this field.

With reference to the items, there is some difference of time. This budget covers a greater period of time. Some of the salaries are higher, and I am totally responsible for that. As a matter of judgment, we do not have more employees—that is, we will not have, when we make this adjustment.

With respect to it being a campaign year, no one has been put on here with reference to an election year. We have a vacancy on the staff. It is not budgeted here. We are not trying to add.

I think an examination will show that there has been rather frugal application of these expenditures. We have held them down all year, as heretofore, as much as we could. There is no rubber in it. We have always turned back an appreciable sum of money, until this year, and we barely had enough.

I promise a continuation of the frugal administration of the expenditure of this money. I believe it is the minimum we could ask for and have enough with which to do the job assigned.

I did notify the Rules Committee that we might have to ask for more, because extraordinary things come up. This year we are handling the Selective Service Act, which does not come up every year. We are going to have the matter with reference to the carrier. We are going to have the usual inquiries, very valid inquiries, and a contest on the floor about some of these items. I think it is a very restricted and Spartan type budget.

Mr. JORDAN of North Carolina. I might add to what the Senator has said that his request came to our committee unanimously approved by his committee, which included the distinguished Senator from Maine, the ranking minority member. We thoroughly went over the testimony, oral and written, and reported the matter, and I move the adoption of the resolution.

Mr. ELLENDER. Mr. President, I should like to say a few words before any of these resolutions are agreed to.

As Senators well know, I have been interested in these increases from year to year for quite some time. Back in 1946, as some will remember—and others will read about it—Congress saw fit to reorganize the Senate committees. At that time, we had, as I recall, 37 standing committees. The number of employees at that time, according to Dr. George Galloway in his book entitled "Congress at the Crossroads"——

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, H.R. 514.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the further consideration of the money resolutions on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

COMMITTEE ON ARMED SERVICES

The PRESIDING OFFICER. Without objection the Senate will resume the consideration of the resolution (S. Res. 331) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. ELLENDER. Mr. President, as I was saying, according to Dr. Galloway, the number of employees for all the 37 committees amounted to 259. At that time, it was thought that we could save money by reorganizing the Senate committees. As the Reorganization Act of 1946 indicates, we reduced the number of committees from 37 to 15. The Reorganization Act provided for 10 employees for each committee, or a total of 150 employees. Each committee was allowed four specialists and six clericals.

It was thought at that time that the number provided was sufficient; but, Mr. President, following adoption of the Organization Act, subcommittees were formed of the standing committees so that today we are spending many more millions of dollars than we spent prior to the Reorganization Act of 1946.

The number of legislative employees has increased from 259, prior to the Reorganization Act, to over 700 employees at this time.

Mr. President, no wonder we had to build a new Senate Office Building at great cost. No wonder we had to make use of every nook and corner in the Old Senate Office Building in order to provide space for the numerous committees.

Mr. President, the personnel and expenditure figures have been on the rise since the new act went into effect. For instance, it will be found that in the past few years the number of regular employees for the standing committees has increased from 150 to 234, and that the number of employees for "Special Inquiries and Investigations" has increased from zero to 446, up to now.

This year alone, we are increasing the number of employees by 22, according to the information that was handed to me by one of my assistants. So that, Mr. President, we have now a complement of 234 employees for the standing committees instead of the 150 which the Reorganization Act provided when it passed the Senate.

(At this point Mr. INOUYE took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, the amount of funds appropriated for these

purposes has grown enormously. During the 89th Congress, we spent over $12 million in order to provide for the operations of all the committees. Last year, we authorized in excess of $7 million for the first session of the 91st Congress. This year, for the second session, we are authorizing in excess of $9 million. So that for the total Congress, that is the 91st Congress, the authorization is in excess of 40 percent over and above what was provided during the 89th Congress.

It strikes me that something should be done about that. We cannot continue to increase the number of employees unless we make up our minds to provide more space for them; and that, Mr. President, will be most expensive.

I objected strenuously for quite some time—I believe 7 years—against the construction of a new Senate Office Building. I proposed at the time that we make use of all space available in the Old Senate Office Building in order to provide for many offices. Then, since it was the intention of Congress to extend the east side of the Capitol, we were able to provide for some 50-odd additional offices to meet future demands.

But, Mr. President, because of the vast increase of employees on Capitol Hill we not only have used up every nook and corner in the Old Senate Office Building but we have also provided for a New Senate Office Building which is fully occupied, and on top of that we have added the extension of the east front of the Capitol.

Now there is a move on to add on to the New Senate Office Building. We are now in the process of buying more property in order to expand construction in that area so as to take care of many of the employees we now have on hand.

Mr. President, as I have often stated on this floor, all of the subcommittees or most of them, were more or less created on a temporary basis. Now they have become permanent, in fact, if not in legislative authority.

It will be recalled that last year we created the Select Committee on Nutrition and Human Needs. The Committee on Rules and Administration provided $150,000, as I recall, to pay for the expenditures of that committee. The proponents of this select committee came on the floor and said:

> We do not have enough funds. But if you give us $250,000, we will have enough to complete this work by December of 1969.

I am sure that few Senators are surprised that this committee desires to renew its mandate. It wants to delve into the work of many other committees, particularly welfare. And it is asking, as I recall, for $246,000 additional to maintain the work of the committee.

Mr. President, I could cite the creation of many other committees that were organized to sit for a year or two to complete some very important work that was suggested by their proponents. We could take the Juvenile Delinquency Subcommittee which I have so often mentioned here. The original proponent of that committee, the former Senator from New Jersey, stated in the 1950's:

> Give us $150,000 to $200,000 and we will get enough information to justify the Judiciary Committee enacting laws that will help in solving the problems of juvenile delinquency.

Mr. President, that committee has been going on and on, and we have spent in excess of $2 million for that committee. And it is still going on and on. I presume that unless the Senate puts its foot down, the Select Committee on Nutrition and Human Needs will barge into the business of every committee on the Hill, except perhaps for the Committee on Agriculture and Forestry.

I am the first to admit that I serve on that select committee. It did a good job, not in providing new legislation, but in awakening the people as to the need for more food and fiber to help the poor. Because of the action of that select committee, other committees got busy. We have now provided more and more funds to help provide food for the poor. I refer especially to the food stamp program. That program was enacted by the Senate last year.

I thought that the Committee on Agriculture and Forestry had done a good job in tripling and quadrupling many of the amounts provided heretofore. But lo and behold, when that committee came before the Senate, although the report on the bill that came from the Committee on Agriculture and Forestry was voted unanimously, except for the vote of the chairman of the Select Committee on Nutrition and Human Needs, the Senate went off the track and provided about twice as much money as could be spent by the Department. We did this notwithstanding the fact that we had before us many witnesses to testify that the amount provided in the original bill by the committee was sufficient and was all that could be spent by the Department.

When the bill was considered in the Senate, the amounts were raised considerably, and the bill is now before the House. I doubt that it will be enacted. In fact, I am sure that it will not be enacted in its present form. As a result, we still have no adequate bill.

If the Senate had acted more in accord with what the Committee on Agriculture and Forestry had suggested, it is my belief that in all probability the bill would have been enacted in the House. But it is lingering there, and it will stay there.

Mr. President, I wonder what will happen to our housing and welfare programs if the Select Committee on Nutrition and Human Needs goes into those areas. I know that much attention has been given to the housing proposals by the Committee on Banking and Currency. I am also aware of the fact that the Labor and Welfare Committee has done good work in that direction. But now that another committee imposes itself on what the standing committees are doing with respect to housing, welfare, and many other programs it strikes me that the continuation of this good work will be hindered, rather than aided.

Mr. President, at the proper time, I am very hopeful that the Senate will refuse to extend the select committee. I think its job of looking after nutrition and human needs—for which it was originally created—has been accomplished. However, I assume that we have quite a few eager beavers who are most anxious to see that the program continues. I think it employs 18 people, who are, of course, anxious to retain their jobs.

The Senate will have a chance today to see whether we should vote this committee out.

I repeat what I said a while ago. I am going to read from the RECORD wherein it was stated "Give us the amount of money we are asking for today, and we expect to complete the job in 1969." I think the Senator from Illinois (Mr. PERCY), is the one who led the fight on that matter.

As in the case of many other committees, they are back for more money and hope to expand their work and extend into the jurisdiction of almost every committee on the Hill.

I do not know of any more work that could have been done on housing than has been done by the distinguished Senator from Alabama (Mr. SPARKMAN). He heads a special committee and is getting money for that special committee to study further the matter of housing. Yet, the special committee that was organized for the purpose of studying nutrition and human needs now barges into that field.

I presume they will go in and take pictures showing the houses in which these poor people are living and make headlines. That is a great story and it places a lot of fine people on the front pages of our newspapers, and on the television sets of the Nation.

As I pointed out before when the committee was first organized, the Committee on Agriculture and Forestry was holding hearings on the food stamp program. We intended to hold hearings on the school lunch program which is now before the Senate. A good, responsible bill has now been reported. Many Senators are complaining about the work they have. Of course, it continues to multiply and if they continue to form these various committees the work will continue to increase. I know that. As chairman of the Committee on Agriculture and Forestry and a member of the Committee on Appropriations I have almost all the work I can do. But I have found time to be active on the committee which is headed by the Senator from South Dakota (Mr. MCGOVERN). I think I have attended more hearings than any other member of the committee in order to find out what could be done in assist the poor.

Mr. President, when the resolution for that particular committee is called up I hope to present more facts on its operation. I want to give notice that I hope to have a rollcall on that measure. I want to see how Senators stand on this proposal, particularly in light of the fact that the proponents of this resolution said solemnly to us last year, "We can get through this year."

Mr. President, I repeat that the number of people employed has been increasing from year to year. According to the budgets I have before me and the analysis made by one of my assistants we are adding 22 people more than we now have on the payroll. The amount of money that is being asked for those special committees for the second session of the 91st Congress is over $2 million more than during the first session.

I am sure that it will be said that much of this money we are authorizing will be turned back to the Treasury. That may be true and I know some committees do that. The fact is that if we desire to economize and make the Senate a more effective, better organized body, this is the place to start.

Mr. President, I do not want to talk too much about the operation of the Committee on Agriculture and Forestry, of which I am the chairman. I simply want to refer to it as an example of what might be done by other standing committees. I have been chairman of the Committee on Agriculture and Forestry longer than any other man in history. I am entitled to select four specialists. I have fewer than that. I believe sincerely I get more work out of the specialists on hand than I would if I employed the limit. I have learned since I have been on the Hill that if you employ two lawyers on a committee and two economists on a committee they will be passing the buck to each other. Neither group will do any work; but if the work is centered on one group and they are told what is to be done, it will be done.

Aside from that, in the Reorganization Act of 1946 we provided for a special section to be created in the Congressional Library to serve all Senators and all Members of the House of Representatives. We started out, I believe, with 235 members in the Legislative Reference Service to get information for all committees and for all Members of Congress. Today that section has increased to about 350 people. That is where the information can and should be obtained. I know that is what I do as chairman of the Committee on Agriculture and Forestry.

The Senator from North Carolina knows we have four subcommittees. I compliment him because he is a chairman of one of the subcommittees. We do not have other people coming there to work; Senators do the work. Senators who are chairmen of subcommittees do the work. They get the information through the staff of the Committee on Agriculture and Forestry. I think a good job is done. It is my sincere belief that if more Senators did their work on committees we would need fewer subcommittees.

I do not want to take a dig at the Committee on the Judiciary, as I have in the past, but that committee provides a subcommittee for every member of the committee, Republicans and Democrats. Their budget is about one-third of the amount that is being asked for here today.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. What does the Senator mean when he says that the Judiciary Committee provides a subcommittee for every member of the committee?

Mr. ELLENDER. A subcommittee.

Mr. BYRD of West Virginia. What does the Senator mean by that?

Mr. ELLENDER. Well, each committee has a staff. I know that was the case up until last year; I do not know what it is today.

Mr. BYRD of West Virginia. But the Senator said the Committee on the Judiciary provided a subcommittee for every member of the committee.

Mr. ELLENDER. Each member of the committee is the head of some subcommittee.

Mr. BYRD of West Virginia. The Senator is in error.

Mr. ELLENDER. How many are there?

Mr. BYRD of West Virginia. I am a member of the Committee on the Judiciary, and I have no subcommittee.

Mr. ELLENDER. The Senator must be low in committee seniority.

Mr. BYRD of West Virginia. I may be, but I am a member of the Committee on the Judiciary.

Mr. ELLENDER. I know, but up until last year all the members headed some subcommittee of that committee. I hope there has been a change of heart. I will correct the RECORD if I am wrong, but I was informed to that effect.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McCLELLAN. There are only 15 subcommittees; there are 17 members. Some of the members of the committee are chairmen of two or more subcommittees so each member is not in charge of a subcommittee. That is what I wanted to correct.

Mr. ELLENDER. But that committee has various subcommittees and each has a staff of its own.

Mr. McCLELLAN. But the record should show that the committee processes about one-half of the legislation that comes to the floor of this body.

Mr. ELLENDER. I have to say that as chairman of the Claims Committee before reorganization I handled most of that work, because most of it is claims. Now they have added other duties to the committee, such as immigration. If the Senator considers all this casework, I agree with him, but as chairman of the Claims Committee of the Senate, back in 1946, I handled about 52 percent of all the claims that came before the Senate, and I had one clerk. That clerk and I did all the work. I assigned to each Senator so many cases to handle. They obtained reports from the department affected. They received reports from the Post Office Department, or perhaps the Commerce Department, or wherever any claims originated. We were able to get those departments to furnish us the bases for the claims proposed.

But what is the case today? A special subcommittee handles all of that here. I think there are four lawyers on it, if I am not mistaken. There are several clerks on it. The same thing occurs with respect to the Immigration Subcommittee. There are three or four lawyers attending to that work. I understand a special division has been created in the Department of Justice to handle a good many of the claims against the Government, as well as the immigration cases.

It is true that the work has increased greatly. I am not taking issue with that statement, but my good friend from Arkansas has raised the point that the Judiciary Committee handles over 50 percent of the bills handled in this body. I agree, but many of those bills involve small claims and cases involving the immigration of Tom Jones or Bill Smith who wants to come into this country. If a proper showing is made, he is admitted. Those are Senate bills, of course, but they are minor bills.

When I consider the number of personnel now employed to do the work that I or my committee did prior to 1946, there is a big difference. That is what I am complaining about. It strikes me that too much of the work is being done by employees rather than by Senators.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McCLELLAN. The Senator emphasizes that half the bills—and I am not sure it is that many—are private claim bills. It is true that they do not necessarily take as much time as other bills, but processed through the Judiciary Committee are some of the most important and most highly controversial pieces of legislation handled by this body. We handled two crime bills this year and two last year that were very complicated. Besides that, we have to consider all the constitutional amendments. We have one before us now that is highly controversial, and much work has been done on it.

I am not the chairman of the Committee on the Judiciary, but, as a result of my work on it, I know the workload has increased considerably since my friend from Louisiana was a member of it prior to 1946.

Mr. ELLENDER. I never was a member of the Judiciary Committee.

Mr. McCLELLAN. I may have misunderstood the Senator.

Mr. ELLENDER. No; the Claims Committee. That was a separate committee.

Mr. McCLELLAN. I think I can assure the Senator that the number of claims has increased greatly as our Government has grown. Our Government is two or three times as large as it was. With the growth of government, the workload grows.

I do not have to defend the work of the Judiciary Committee, but I think we should keep some of these questions in perspective. I think I shall be able to show that in our subcommittees we have reduced not only the amounts of money requested, but the personnel, by consolidating the workload of the subcommittees, which has been increasing.

If just the staff of the full committee were assigned to do the work of the committee, it would be a task that would be humanly impossible. It could not possibly be done.

Mr. ELLENDER. I realize that, I may say to my friend from Arkansas. I know the workload has increased considerably. But the force necessary to take care of the increased load has, in my opinion, grown out of all proportion compared to what it was in 1946.

I have no doubt that more claims have been presented to the Senate because of our growth. What I am saying is that the growth of the claims has not been in proportion to the number of people hired to do the work. There is a special department in the Judiciary Committee to handle all of this. I did not have that. We had to depend on people in the various departments to furnish us with

information. But here we have all of these subcommittees, who are provided all of the facts. They are staffed by competent lawyers. I do now know how many there are, but there are quite a few. Most of the work is done by those lawyers. It is my belief that we simply have too many subcommittees. If we continue increasing them and keep them going, we are going to have to build another Senate Office Building in the next few years. There is a cry for space now. There is a move on to add to the New Senate Office Building. I am sure my good friend from North Carolina knows about that. It has been requested of him. I would not be a bit surprised if, within the next couple of years, we have another addition made in order to take care of the new employees we are providing for each year.

All I am asking is that if we are going to talk about practicing a little economy, we ought to set a good example here in the Senate. The President is urging economy to fight inflation. We ought to set an example in the Senate and try to do our work within reason.

When the number of our employees have almost doubled within the last 4, 5, or 6 years, I think it is something that we ought to look into before we keep on increasing them.

As time goes on, I hope we can find from the chairman of the committee why we have had this increase in new employees. Why was it necessary? I hope the Rules Committee has gone into that question in order to justify the amount requested.

The PRESIDING OFFICER. The question is on agreeing to Senate resolution No. 331.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I will yield in just a moment. Just before the Senator makes his remarks, we had up for consideration the resolution relating to the Armed Services Committee, Senate Resolution 331. I move that it be adopted. The Senator from Mississippi (Mr. STENNIS) has a committee meeting. I move the adoption of Senate Resolution No. 331, relating to the Committee on Armed Services. It is Calendar No. 660.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. ELLENDER. Just a moment, Mr. President.

Mr. JORDAN of North Carolina. It is Calendar No. 660, Senate Resolution 331. The Senator from Mississippi (Mr. STENNIS) spoke on that.

Mr. ELLENDER. I was here when the Senator spoke a while ago. I just want to ask a question or two.

Mr. JORDAN of North Carolina. Very well.

Mr. ELLENDER. I understand the number of employees now requested is 20 or 21.

Mr. JORDAN of North Carolina. Eleven. This is for the subcommittees.

Mr. ELLENDER. Is that one more employee?

Mr. JORDAN of North Carolina. That is correct.

Mr. ELLENDER. The budget last year was $225,000.

Mr. JORDAN of North Carolina. That is correct.

Mr. ELLENDER. And it is now $300,000.

Mr. JORDAN of North Carolina. Yes.

Mr. ELLENDER. Is that necessary for one employee, or why do we have a request for $75,000 more?

Mr. JORDAN of North Carolina. I will let the Senator who made the request reply to the Senator's question.

Mr. ELLENDER. All right.

Mr. STENNIS. Mr. President, if the Senator will yield to me, all of the facts in connection with this matter are fully set forth in a statement before the Rules Committee. I have a condensed statement here with reference to the amount of the increase.

For salaries we have an increase, in round figures at this time, of $66,000 above last year. However, the salaries for last year ran somewhat over the estimate. We took care of a 6-month salary increase in last year's budget. We have to take care of a 12-month increase in this year's budget.

Even though there are no changes in the total number of the staff except this one secretary, the men who are being taken on command a larger salary than heretofore. They are experts in their fields. They both came out of an experience and background of budget preparation.

This resolution we are discussing now took 8 weeks of hearings, as I have said, less actual debate—a great deal of time in conference, a great deal of time in hearings, and intensive preparation.

Since there is $8 billion budgeted for research and development, we regarded the specialist on that program as a seriously important man; and he began work on it soon after the bill was finished last year.

We had two men carried over for 2 additional months in this transition period. That also makes up a part of this $66,000. We have two men for the entire year this year, who, one might say, oversee staff members and have oversight of these items on the budget.

These are large contracts. These men are with us on a reimbursable basis from the General Accounting Office. They are some of their very top men, and have to know what they are doing.

Mr. ELLENDER. Mr. President——

Mr. STENNIS. I am accounting for the increase that was the subject of the Senator's question.

Mr. ELLENDER. The question was, they had 10 employees last year, and they have 11 now. They are asking for 11?

Mr. STENNIS. Yes.

Mr. ELLENDER. How many of the 10 are part of the 11 now on the payroll?

Mr. STENNIS. There is one increase, and that is all. I have just been explaining that two of those are not going to be with us any more, but are carried over for 2 months.

Mr. ELLENDER. Are they included in the 10 that they already have?

Mr. STENNIS. I do not know just where the Senator got the 10, but there are two more who are not going to be with us any more, carried for 2 months in this budget, and that accounts for part of the difference. They have already been replaced; the new members are already on the staff. So that makes it two additional staff members for these 2 months. Then we have this extra secretary.

Then we have to take care of this increased pay. The general increase we took care of for only 6 months last year; we will have to take care of it for 12 months of this year.

We have included $5,000 extra for the contribution to the civil service retirement fund. That is in the increase also. Last year we had personnel detailed from the Library of Congress, in addition to this General Accounting Office detail. We have an estimate on that for this year. That group was doing special work. We had a contingency fund for such purposes last year of $10,000, and this year it is increased to $15,000.

We are determined to do the work assigned to us. It takes some highly competent men. Talk about Senators working; the Senator need not doubt that a great number of these members of the Senate Armed Services Committee staff put in many, many hours a week, day and night, weekends, and all the rest of their time. A tremendous volume of work is involved for Senators and staff. So I have outlined those increases.

Here is a decrease. We think that this time we will not have to spend as much for consultants and special advisers on special items, and we have reduced that amount from $19,500 to $7,700.

More than anyone else, I am responsible for these increases. The Senate committee voted unanimously for them, but they are based on personal knowledge of mine, and I assume full responsibility for asking for the money and spending the money as well. And I will guarantee, there are no drones on these staffs.

I am glad to answer the Senator's inquiry, but I wanted to make that general statement.

Mr. ELLENDER. I am not being unduly critical.

Mr. STENNIS. I understand.

Mr. ELLENDER. I simply asked for information. According to the Senator's own statement here, on page 4 of the report, they have 11 employees, and that is why I was asking.

Mr. STENNIS. Yes.

Mr. ELLENDER. They increase by only one employee, and they are asking for $75,000 more than they had last year.

The Senator says the subcommittee is putting people on who are more expert. The question I asked a while ago was: How many of the people in these 11 that are requested here were on last year? Are the same people involved?

Mr. STENNIS. No; we have two employees who are still there, but are to be there for only 2 months of this calendar year.

Mr. ELLENDER. Are those some of the 11 referred to?

Mr. STENNIS. Those we have here came on all during the last year, so I cannot remember exactly when. One came on after we finished the debate here last September. One came on, I think, the first day of January. One of the secretaries left, and we were without

one for a while, but then we got another one. So we have a gross increase here of only one staff member, except for that 2 months I have mentioned, where two of them are duplicated.

Mr. ELLENDER. The Senator stated that he had to pay for work done by additional Library of Congress employees; is that correct?

Mr. STENNIS. Yes; that is correct.

Mr. ELLENDER. The Senator is aware of the fact that we have a staff there of more than 300 people. Does the committee have to pay for that assistance?

Mr. STENNIS. We had the use, full time, of a research analyst, who rendered some very fine work for us in some special fields, and we reimbursed the Library of Congress for that month, for her salary. We had two men, as I have stated, from the General Accounting Office. We had another consultant, as I remember, with reference to the Selective Service Act. I had the application here last year. There were some very far-reaching amendments offered, one of which was passed.

These are matters where you cannot just go down to 12th and Pennsylvania Avenue and pick up unskilled help to get this kind of work done.

Mr. ELLENDER. I realize that, but I wonder if this special group must be reimbursed by the Congress without their being reimbursed.

Mr. STENNIS. Not under the circumstances we have. While the Senate is paying the salary, the Library of Congress does not have to pay the salary. It is all the same so far as the Government is concerned. But it was paid out of our budget, rather than the Library of Congress budget.

If the committee is agreeable, I am going to use more and more of that kind of help. As far as the research analyst I have mentioned, for example, was concerned, we had control of her, we directed her, we controlled her hours, and she worked exclusively for us during that time.

Mr. President, I have notified the Rules Committee that we might have to ask for more money during this year with reference to some consultants we may want to employ.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. As a matter of information, any time a committee asks for outside Government employees—from the Library of Congress, General Services, and so forth—they come on a reimbursable basis. If the Library of Congress can furnish somebody for 2 weeks, it is done without consent of the Rules Committee. If it is for more than 2 weeks, they have to come before the Rules Committee and ask for them and justify it, and we have to justify the payment.

Mr. ELLENDER. I realize that. But my point is this: We are paying out of Senate funds, provided, for expert reference employees to furnish data to all Senators, all committees—to all Members of Congress, as a matter of fact.

Mr. JORDAN of North Carolina. If the time they are required is not over 2 weeks, we do not have to pay them.

Mr. ELLENDER. Why should they be paid by Congress separately, when they are already working for Congress?

Mr. JORDAN of North Carolina. If Congress pays them, the Library of Congress does not pay them. It is the same amount of money in both instances. We pay only the salary they would be paid over there.

Mr. ELLENDER. Is that amount deducted from the money that is asked for by the Library of Congress?

Mr. JORDAN of North Carolina. Yes; that is correct.

Mr. McCLELLAN. It is reimbursable.

Mr. ELLENDER. I understand that. If it is reimbursed, is their budget decreased?

Mr. JORDAN of North Carolina. Their budget would be decreased by the amount we put on the payroll over here.

In the case of Senator STENNIS, he has asked for $38,000 for reimbursable funds this year, assuming that he will need these outside people. If he does not use them, it will not be spent.

Mr. ELLENDER. Perhaps I do not understand. When we reorganized in 1946, we provided a special fund of quite a few thousands of dollars to employ as many as 234 people to do special work in all lines of Government. That included Agriculture, Commerce, Armed Services, everybody. We have increased that fund quite a bit, and today we have many more employees in the LRS who are supposed to work for the committees and Members of Congress.

The question I would like answered is this: If that is true, why should people who are employed for that purpose and who are paid for that purpose have to be reimbursed by a committee of the Senate?

Mr. JORDAN of North Carolina. The answer to that is very simple. If the Senator sends a question over there that requires a week or 10 days, they send the answer back, and that does not cost the Senator anything. But if the Senator takes them off their work there and puts them to work here on a full-time basis, they are paid their salary here and they are not paid over there.

Mr. ELLENDER. I have received all the information I need for the Committee on Agriculture and Forestry, and up to now I have never paid a nickel.

Mr. JORDAN of North Carolina. The Senator did not bring them here and put them on his staff on a full-time basis.

Mr. ELLENDER. Why should I? Why should they not stay where they work and do that work?

Mr. JORDAN of North Carolina. I cannot answer for what Senator STENNIS needs.

Mr. ELLENDER. We ought to look into that. If we increase the number of people from 234 to 375, experts in their respective fields, it strikes me that, whatever work they do, they ought to do it for the money we appropriate each year in order to sustain them.

Mr. JORDAN of North Carolina. Most of the time they do. Personally, I have never had anybody on my staff to do that kind of work whom I had to pay.

Mr. ELLENDER. I have not, either, and I have been using them for 20 years.

Mr. JORDAN of North Carolina. Before the resolution is adopted I should like to make the following statement, which I have prepared, setting out the purpose of the resolution.

It would authorize the Committee on Armed Services to expend not to exceed $300,000 during the current investigative year for the continued operation of its Preparedness Investigating Subcommittee.

During the last session of Congress $225,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $223,303. The pending request includes an increase of $75,000 over last year's authorization. These additional funds are requested by the committee for the salary increases, for an additional staff member, and for increased use of other Government personnel on a reimbursable basis.

The Committee on Rules and Administration has reported Senate Resolution 331 without amendment.

Senator STENNIS is chairman of the Preparedness Investigating Subcommittee, and Senator THURMOND is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 331) was agreed to, as follows:

S. RES. 331

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so

fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON BANKING AND CURRENCY

The PRESIDING OFFICER. The clerk will state the next resolution.

The LEGISLATIVE CLERK. A resolution (S. Res. 329) to authorize additional expenditures to the Committee on Banking and Currency for inquiries and investigations.

The PRESIDING OFFICER. Without objection the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Banking and Currency to expend not to exceed $150,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $110,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $109,392. The pending request includes an increase of $40,000 over last year's authorization. These additional funds are requested by the committee in order that, despite rising costs in general, its activities may continue at the same rate and level as in previous years.

The Committee on Rules and Administration has reported Senate Resolution 329 with an amendment which would revise the title only.

Senator SPARKMAN is chairman of the committee, and Senator BENNETT is ranking minority member.

Mr. PELL. Mr. President, as a member of the committee, I rise to pay tribute to the chairman of the Committee on Rules and Administration, who has sought to be as fair as he could be in making these decisions, and who, with his staff, is being meticulous in supporting each one of these demands. I believe that he deserves every kind of commendation for the work he has put into this matter.

Mr. JORDAN of North Carolina. I appreciate the Senator's remarks.

I say to the Senator from Louisiana that when I became chairman of the Committee on Rules and Administration, there were 22 people on the staff, and we now have 12. So I practice what the Senator preaches. I do not say that everyone else can do the same thing. I do not know.

Mr. ELLENDER. With respect to Senate Resolution 329, I note that it provides an increase of $40,000 and one person is added.

Mr. JORDAN of North Carolina. Will the Senator from Alabama answer that?

Mr. SPARKMAN. That is correct.

The Senator will note that last year we returned $608. That is with the oversight responsibility we have. That is not a sufficient margin on which to operate. The committee voted unanimously to employ one additional person. When we pay the added amount that was voted last year for 12 months and the benefits that have to be added, in order to give us a little more flexibility above the $608, that accounts for the $40,000.

Mr. ELLENDER. Is this subcommittee engaged in studying housing?

Mr. SPARKMAN. No; it studies everything.

Mr. ELLENDER. Is there such a subcommittee?

Mr. SPARKMAN. Yes; we have one for housing. With respect to the Subcommittee on Housing, if I may mention that now to the Senator from Louisiana, we are only asking for $5,000 additional, and that is all taken up in paying the additional salaries and the benefits.

Mr. ELLENDER. To what extent will the new committee that is proposed, the nutrition committee——

Mr. SPARKMAN. This is the first I have heard any mention of that. Under the rules, we have complete jurisdiction over that.

Mr. ELLENDER. I understand that.

Mr. SPARKMAN. We certainly shall insist on it.

Mr. ELLENDER. I am glad the Senator will, and I hope the Senator votes against the extension of that committee because it involves him and I would say almost every other committee on the Hill.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 329) was agreed to, as follows:

S. RES. 329

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within the legislative jurisdiction of the committee.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so elected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Banking and Currency for inquiries and investigations".

COMMITTEE ON BANKING AND CURRENCY

The PRESIDING OFFICER. The clerk will state the next resolution.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 330) to authorize additional expenditures to the Committee on Banking and Currency for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Banking and Currency to expend not to exceed $160,000 during the current investigative year for an investigation of housing and urban affairs.

During the last session of Congress $155,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $151,058. The pending request includes an increase of $5,000 over last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 330 with an amendment which would revise the title only.

Senator SPARKMAN is chairman of the Subcommittee on Housing and Urban Affairs, and Senator BENNETT is ranking minority member.

The resolution (S. Res. 330) was considered and agreed to, as follows:

S. RES. 330

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to public and private housing and urban affairs, including urban mass transportation.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $160,-

000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Banking and Currency for a study of housing and urban affairs".

COMMITTEE ON COMMERCE

The PRESIDING OFFICER. The clerk will state the next resolution.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 324) authorizing additional expenditures by the Committee on Commerce for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Commerce to expend not to exceed $759,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $625,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $614,083. The pending request includes an increase of $134,000 over last year's authorization. These additional funds are requested by the committee for the statutory salary increases, and to enable it to employ necessary additional staff.

The Committee on Rules and Administration has reported Senate Resolution 324 without amendment.

Senator MAGNUSON is chairman of the committee, and Senator COTTON is ranking minority member.

Mr. ELLENDER. Mr. President, I note that four employees are added to this committee, and the budget for this year is $134,000 more than last year.

Mr. JORDAN of North Carolina. The Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) appeared before the committee and justified the increase in employees due to the fact that the work load has increased to the extent that they needed four additional employees. They presented 62 pages of testimony, and the committee unanimously approved it.

Mr. ELLENDER. Do they do a lot of study on pollution?

Mr. JORDAN of North Carolina. Some; yes. It includes oceanography and other new subjects they have taken on.

The resolution (S. Res. 324) was considered and agreed to, as follows:

S. RES. 324

Resolved, That the Committee on Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally, including consumer and environmental protection;
(2) foreign commerce generally;
(3) transportation generally;
(4) maritime matters;
(5) interoceanic canals;
(6) domestic surface transportation, including pipe lines and highway safety;
(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;
(8) Federal power matters;
(9) civil aeronautics;
(10) fisheries and wildlife;
(11) marine sciences; and
(12) weather services and modifications, including the use of weather satellites.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more that $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $759,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The resolution (S. Res. 325) authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the District of Columbia to expend not to exceed $133,100 during the current investigative year for inquiries and investigations.

During the last session of Congress, $59,400 was authorized by the Senate for that purpose, of which the committee has expended approximately $53,822. The pending request includes an increase of $73,700 over last year's authorization. These additional funds are requested by the committee to meet what its members believe is the minimum required to handle its increasing workload. One-third of the increase would be used to employ additional minority staff.

The Committee on Rules and Administration has reported Senate Resolution 325 without amendment.

Senator TYDINGS is chairman of the committee, and Senator PROUTY is ranking minority member.

Mr. ELLENDER. Mr. President, I notice here that the budget has been almost doubled. I would ask for an explanation.

Mr. TYDINGS. Three of the eight employees are part time. I might add, except for the special resolution granted by the Rules Committee to the committee during the past year and a half, that the staff has not expanded in 24 years. The District of Columbia budget in the past 5 years has doubled. We are responsible for oversight on a budget of $861 million in Federal funds for the first year of the 91st Congress. We held double the number of hearings in the 2 preceding years. But the reason for the discrepancy pointed out by the distinguished Senator is that we did not have enough money to hire three of the eight on full time. This additional money will enable us to hire them full time, plus two additional employees.

The resolution was considered and agreed to, as follows:

S. RES. 325

Resolved, That the Committee on the District of Columbia, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the District of Columbia.

SEC. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $133,100 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 318) to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Foreign Relations to expend not to exceed $300,000 during the current investigative year for a study of matters pertaining to the foreign policies of the United States.

During the last session of Congress, $260,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $248,385. The pending request includes an increase of $40,000 over last year's authorization. This increase is requested by the committee so that it may have adequate funds to carry out its responsibilities during the present year.

The Committee on Rules and Administration has reported Senate Resolution 318 with an amendment which would revise the title only.

Senator FULBRIGHT is chairman of the committee, and Senator AIKEN is ranking minority member.

Mr. ELLENDER. Mr. President, how many additional permanent employees

has the Committee on Foreign Relations?

Mr. JORDAN of North Carolina. Six.

Mr. ELLENDER. Six additional, which makes 16 over and above the 1946 act?

Mr. JORDAN of North Carolina. No. Ten plus six.

Mr. SPARKMAN. It includes those 10.

Mr. ELLENDER. All right. How many does this add?

Mr. JORDAN of North Carolina. It adds one.

Mr. ELLENDER. I see.

Mr. SPARKMAN. That is right. One employee.

Mr. JORDAN of North Carolina. The Senator from Alabama appeared before our committee on this matter.

Mr. SPARKMAN. Ten are regular. Six have been made permanent and one makes the total of 16. This adds one additional.

The resolution was considered and agreed to, as follows:

S. RES. 318

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings, to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to foreign policy of the United States".

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Calendar Order Nos. 666, 667, 668, and 669 be considered en bloc because they all pertain to the Committee on Government Operations. We can move more swiftly this way.

Mr. JORDAN of North Carolina. I concur with the statement of the Senator from Arkansas.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ELLENDER. I observe that the amount asked in one of the resolutions is less than last year. The second one is less than last year and the third one is $15,000 more than last year. Can the Senator offer any explanation?

Mr. McCLELLAN. We have been trying to follow the suggestion of the Senator from Louisiana in reducing wherever we could. We have consolidated and reduced staffs. We are asking for less money. I point out, also, that we never can be sure as to some of the costs, particularly concerning investigations, as to how much money will be needed.

I remember that last year, the Committee on Rules and Administration cut us down some; notwithstanding that, I believe that this year we were able to return some money to the committee. I think we returned about $98,000. I point out that we are asking for less money this year on these committees, but we did have to come back on one committee and get a little more money—I believe it was on the Judiciary—from the Committee on Rules and Administration. I can say that these committees are working committees. We may have a drone here and there—I do not know—but I can speak for those under my supervision as chairman, that they are working committees and they are producing committees. I hope that the funds will be allowed for them.

Mr. ELLENDER. I wish to compliment the distinguished Senator from Arkansas for having consolidated these matters. I am hopeful that other chairmen can do the same.

Mr. JORDAN of North Carolina. Mr. President, let me state that what may not be thoroughly understood is that when a Senator says he is returning an amount of money, he means really, that the money is not a total amount of money to start with but is paid out as the payroll makes it necessary. Thus, they do not always use all the money. They say return but they do not use the total amount of money authorized. It is just not used.

COMMITTEE ON GOVERNMENT OPERATIONS

The resolution (S. Res. 308) authorizing the Committee on Government Operations to make investigations into the efficiency and economy of operations of all branches of Government was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $688,000 during the current investigative year for the continued operation of its permanent Subcommittee on Investigations.

During the last session of Congress, $698,500 was authorized by the Senate for that purpose, of which the committee has expended approximately $640,499. The pending request represents a decrease of $10,500 from last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 308 with an amendment which would revise the title only.

Senator McCLELLAN is chairman of the permanent Subcommittee on Investigations and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 308

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1970 through January 31, 1971, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

SEC. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1970, to January 31, 1971, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1970, to January 31, 1971, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized

crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

SEC. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

SEC. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1971, and shall, if deemed appropriate, include in its report specific legislative recommendations.

Sec. 7. (a) For the purposes of this resolution, the Committee on Government Operations or any of its duly authorized subcommittees, from February 1, 1970, to January 31, 1971, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee: *Provided further*, That the minority is authorized to select one person for appointment and the person selected shall be appointed and his compensation shall be fixed so that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1970, to January 31, 1971, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

SEC. 8. Expenses of the committee under this resolution, which shall not exceed $688,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Government Operations for investigations into the efficiency and economy of operations of all branches of Government".

STUDY OF EXECUTIVE REORGANIZATIONS AND GOVERNMENT RESEARCH

The resolution (S. Res. 320) authorizing additional expenditures by the Committee on Government Operations for a study of executive reorganizations and Government research was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $150,000 during the current investigative year for a study of executive reorganizations and Government research.

During the last session of Congress, $127,000 was authorized by the Senate for use by the Subcommittee on Executive Reorganization, of which the Subcommittee has expended approximately $126,288. The pending request includes an increase of $23,000 over last year's authorization. These additional funds are requested by the committee this session to enable the Subcommittee on Executive Reorganization to absorb the functions and responsibilities of the discontinued Subcommittee on Government Research, which was funded with $63,800 during 1969. The current request, in Senate Resolution 320, for $150,000 for the combined subcommittee operations is thus $40,800 less than the total amount authorized for the two individual subcommittee operations during the last session of Congress.

The Committee on Rules and Administration has reported Senate Resolution 320 without amendment.

Senator RIBICOFF is chairman of the Subcommittee on Executive Reorganization and Government Research and Senator JAVITS is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 320

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, through January 31, 1971, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF INTERGOVERMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES

The resolution (S. Res. 310) authorizing additional expenditures by the Committee on Government Operations for a study of intergovernmental relationships between the United States and the States and municipalities was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $155,000 during the current investigative year for a study of intergovernmental relationships between the United States and the States and municipalities.

During the last session of Congress, $140,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $135,331. The pending request includes an increase of $15,000 over last year's authorization. These additional funds are requested by the committee to meet the cost of the statutory pay increase and to engage in an enlarged program of hearings.

The Committee on Rules and Administration has reported Senate Resolution 310 without amendment.

Senator MUSKIE is chairman of the Subcommittee on Intergovernmental Relations, and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 310

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and

in accordance with its jurisdiction specified by subsection 1(j)(2)(D) of rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $155,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF CERTAIN ASPECTS OF NATIONAL SECURITY AND INTERNATIONAL OPERATIONS

The resolution (S. Res. 311) authorizing additional expenditures by the Committee on Government Operations for a study of certain aspects of national security and international operations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $105,000 during the current investigative year for a study of certain aspects of national security and international operations.

During the last session of Congress, the same amount, $105,000, was authorized by the Senate for that purpose, of which the committee has expended approximately $71,952.

The Committee on Rules and Administration has reported Senate Resolution 311 without amendment.

Senator JACKSON is chairman of the Subcommittee on National Security and International Operations, and Senator MUNDT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 311

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1970, through January 31, 1971, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals or means to improve these methods, processes, and relationships.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ, upon a temporary basis, and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $105,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 309) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $160,000 during the current investigative year for inquiries and investigations.

During the last session of Congress, the same amount, $160,000, was authorized by the Senate for that purpose, of which the committee has expended approximately $134,313.

The Committee on Rules and Administration has reported Senate Resolution 309 without amendment.

Senator JACKSON is chairman of the committee, and Senator ALLOTT is ranking minority member.

The resolution was considered and agreed to, as follows:

S. RES. 309

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

SEC. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

SEC. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE

The resolution (S. Res. 333) authorizing additional expenditures by the Committee on the Judiciary for a study of administrative practice and procedure was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $246,000 during the current investigative year for a study of administrative practice and procedure.

During the last session of Congress, $210,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $184,965. The pending request includes an increase of $36,000 over last year's authorization. These additional funds are requested by the committee to meet the increased cost of the statutory salary increases and to enable it to employ one additional staff member.

The Committee on Rules and Administration has reported Senate Resolution 333 without amendment.

Senator KENNEDY is chairman of the Subcommittee on Administrative Practice and Procedure, and Senator THURMOND is ranking minority member.

Mr. ELLENDER. Mr. President, I notice an increase here of $36,000 for one employee. Can the Senator explain that?

Mr. JORDAN of North Carolina. I can answer that. There is one employee there—but the insurance, retirement, and everything, is for a full year, whereas last year it was for 6 months.

Mr. ELLENDER. These are for all employees?

Mr. JORDAN of North Carolina. For all employees. That is what this is in there.

Mr. ELLENDAR. I thank the Senator.

The resolution was considered and agreed to, as follows:

S. RES. 333

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rule-making, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act and the study of the recommendations of the Administrative Conference of the United States, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $246,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS

The resolution (S. Res. 334) authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws was announced as next in order.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $643,500 during the current investigative year for an investigation of antitrust and monopoly laws.

During the last session of Congress, $606,300 was authorized by the Senate for that purpose, of which the committee has expended approximately $586,637. The pending request includes an increase of $37,200 over last year's authorization. These additional funds are requested by the committee to enable it, despite increased salary and other costs, to continue its operation at the 1969 level.

The Committee on Rules and Administration has reported Senate Resolution 334 without amendment.

Senator HART is chairman of the Subcommittee on Antitrust Monopoly, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. WILLIAMS of Delaware. Mr. President, may I have the attention of the distinguished Senator from North Carolina? I notice there is an increase of one employee while they raise the amount by $75,000.

Mr. JORDAN of North Carolina. Which one is the Senator referring to?

Mr. WILLIAMS of Delaware. Senate Resolution 334. The resolution before, Senate Resolution 333 had an increase of $36,000 for one employee. This one has an increase for $75,000 for one employee. I wonder if the Senator can explain the difference?

Mr. JORDAN of North Carolina. $37,200.

Mr. WILLIAMS of Delaware. This is an increase of around $75,000 over what was spent last year. Last year $606,300 was authorized, and $586,637 was spent. This year they ask for $643,500. I would ask, how did this employee cost so much more?

Mr. JORDAN of North Carolina. The distinguished Senator from Michigan (Mr. HART) can speak to that, as he is chairman of the committee.

Mr. HART. Mr. President, I apologize to the Senator from Delaware. I was not aware that he was talking to this particular resolution. Is the question why the committee returned about $70,000 last year and now asks a sum in addition to the amount over last year?

Mr. WILLIAMS of Delaware. I am asking why the committee needs $57,000 for one additional employee.

Mr. HART. Mr. President, I was not aware that we are asking for an increase in personnel. We are not asking for an increase in personnel. The committee considers no increase in personnel. The additional money represents the amount of the pay raise in July and the 1-percent increase in civil service contributions and the per diem increase. The personnel remains the same.

Mr. WILLIAMS of Delaware. The Committee chart shows that under Senate Resolution 334 the committee had 30 employees and is asking for 31 in fiscal year 1970. That is an increase of one. I do not know whether that is correct.

Mr. JORDAN of North Carolina. The budget does not show.

Mr. HART. Mr. President, let me state again the testimony I gave before the Committee on Rules and Administration. It is my understanding from a memorandum given me that the recommendation is that the staff remains at the 1969 level.

There were two minority positions which, during the large part of last year, were not filled. This permitted the return of about $20,000. The ranking minority Member, the Senator from Nebraska (Mr. HRUSKA), advises us that it is their intention to fill these positions this year.

Mr. WILLIAMS of Delaware. But the report shows that the number of employees on the staff is to be increased by one.

Mr. HART. Mr. President, the chairman of the committee is reluctant to concur in what may amount to a reduction of staff. But I assure the Senator from Delaware that the understanding of the majority and minority members of the committee is that we maintained the authorized staff level. We do ask for the amount I referred to for these persons.

Mr. JORDAN of North Carolina. Mr. President, I think there is a typographical error there. My recollection is that when the Senator from Michigan appeared before the Committee on Rules and Administration and testified, the Senator from Nebraska (Mr. HRUSKA) also testified. There were two minority staff positions unfilled last year. The committee put on one or two employees and will add another one if he is needed. However, if that is not done, the money will be returned.

Mr. HART. The Senator is correct. That was the case this year. It is my understanding that the additional position was not suggested. I thought we were going to operate with the existing personnel ceiling.

Mr. JORDAN of North Carolina. The Senator is correct. But there is a typographical error here. The main thing the committee asked for was for the pay raise for the full year, instead of the 7 months, I believe it was, last year.

Mr. HART. Mr. President, I indicate to the Senator from Delaware and the Senator from North Carolina that while it is possible there is a typographical error, the representation that I make to the Senate on behalf of the subcommittee is that we do not intend, nor do we request, a numerical increase in staff.

We testified to that effect before the Committee on Rules and Administration, and I reaffirm here that our intention is to maintain the existing personnel level.

Mr. JORDAN of North Carolina. The Senator is correct.

Mr. WILLIAMS of Delaware. Then can we have an understanding that there will be no addition to the staff provided in this authorization?

Mr. ELLENDER. It will be 30, instead of 31.

Mr. WILLIAMS of Delaware. It will be a maximum of 30.

Mr. ELLENDER. The Senator is correct.

Mr. HART. Mr. President, the staff, as the subcommittee memorandum indicates, is at the current level of 31. On page 6 of the report, the number of personnel is reflected as 31.

Mr. WILLIAMS of Delaware. Perhaps the chairman should count the staff members and see how many he has, and I think we can then straighten this matter out.

Mr. HART. I understand the number of employees is 31. Two positions were not filled. They were both minority positions. But it is intended that both positions will be filled this year. A personnel authorization of 31 was obtained. And it is that figure that is shown on page 6 of the report that the subcommittee chairman is representing to the Senator as the maximum intended to be sought by this authorization.

Mr. WILLIAMS of Delaware. This committee chart shows that the committee had a ceiling of 30 last year. That could be a typrographical error, but if so it should be corrected.

Mr. ELLENDER. Mr. President, I

understand, though the committee employed only 30 last year, that the authorization is for 31.

Mr. HART. I am referring to page 6 of report No. 91–675. That figure is 31. And as the language in the middle of page 6 indicates:

Therefore, this year it is recommended that the staff be maintained at the 1969 level.

The only explanation I can suggest, not having been aware of any possible conflict, is that there is a typographical error in the case of the 30, because we have had continued authorization for 31.

Mr. JORDAN of North Carolina. Mr. President, I move the adoption of the resolution, with that explanation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 334) was agreed to, as follows:

S. RES. 334

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which may be needed for the attainment of the fundamental objects of the laws and the efficient administration and enforcement thereof.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be so appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $643,500, shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 673 (S. Res. 335) a resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 673, Senate Resolution 335.

This resolution would authorize the Committee on the Judiciary to expend not to exceed $173,700 during the current investigative year for a study of matters relating to constitutional amendments.

During the last session of Congress $124,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $104,841. The pending request includes an increase of $49,700 over last year's authorization. These additional funds are requested by the committee to meet its increased workload and to enable it to carry out its planned investigations and studies during 1970.

The Committee on Rules and Administration has reported Senate Resolution 335 without amendment.

Senator BAYH is chairman of the Subcommittee on Constitutional Amendments, and Senator HRUSKA is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. President, as I understand, under this resolution there is to be no request for additional staff members on this committee. The amount authorized last year was $124,000. The committee only expended $104,841 last year, and this year the Senate is being asked to authorize $173,700, I wonder how this large increase can be justified.

Mr. JORDAN of North Carolina. Mr. President, the chairman of the subcommittee can answer that question.

Mr. BAYH. Mr. President, it is our intention to ask for two additional staff members. I do not know what the Senator has reference to concerning last year. We have eight employees now and we have asked for two additional employees because of the tremendously heavy workload involved in the electoral reform matter. We have law students and the League of Women Voters helping. There is no need to take any time of the Senate to name the people involved in this matter. However, it has deluged the committee. We have asked for one additional majority and one additional minority staff member.

This is the first time since I have been the chairman, for 8 years now, that we have been confronted with the situation. It was imposing such a tremendous drain on the normal staff that we did ask the committee for this additional help. The committee was kind enough to grant the additional request.

Mr. WILLIAMS of Delaware. The committee had nine employees last year according to the chart. The committee is now asking to make it 10 employees. They are asking for an increase of $69,000 or about 40 percent in the operating cost.

As the Senator from Louisiana pointed out Congress is talking about a reduction of Government expenditures. I wonder how we can reduce expenditures and have an increase of 40 to 50 percent in each standing committee.

Mr. BAYH. Mr. President, this year we returned in the neighborhood of $19,000. We did not expend the $19,000. It has been the pattern of the committee ever since I have been a chairman to return the unused funds. We have had significant amounts to return. We have returned the funds when we did not use them.

I can just see this additional burden coming; it has been shown to us. One of the nine members, I am advised by the chief counsel of the committee, is no longer employed by the committee. We have eight employees now. We are asking for two additional employees. Looking at the figures the Senator from Delaware is looking at, we are asking to go from eight to 10 employees, so as to have one majority employee and one minority employee. The Senator from Nebraska supports this request. If there are unexpended funds, we will be happy to return them.

Mr. WILLIAMS of Delaware. Last year the committee expended $104,841 and returned $19,159. They are asking for $173,700 this year. Frankly, I do not think this is the way to reduce the cost of Government.

Mr. BAYH. I share the Senator's concern for wanting to reduce the cost of Government. I can say for the record that since I have been the chairman, if there are unexpended funds, they have been returned and they will be returned. That is a pledge I will continue to keep.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 335) was agreed to, as follows:

S. RES. 335

Resolved, That the Committee on the Judiciary or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

SEC. 2. For the purposes of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $173,700, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 336) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $230,000 during the current investigative year for a study of matters pertaining to constitutional rights.

During the last session of Congress $215,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $197,150. The pending request includes an increase of $15,000 over last year's authorization. These additional funds are requested by the committee to enable it to carry out its projected activities during this session of Congress.

The Committee on Rules and Administration has reported Senate Resolution 336 without amendment.

The Senator from North Carolina (Mr. ERVIN) is chairman of the Subcommittee on Constitutional Rights, and the Senator from Nebraska (Mr. HRUSKA) is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 336) was agreed to as follows:

S. RES. 336

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $230,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES

The Senate proceeded to consider the resolution (S. Res. 337) authorizing additional expenditures by the Committee on the Judiciary for an investigation of criminal laws and procedures.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $152,000 during the current investigative year for an investigation of criminal laws and procedures.

During the last session of Congress $145,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $133,333. The pending request includes an increase of $7,000 over last year's authorization. These additional funds are requested by the committee primarily to accommodate the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 337 without amendment.

Senator MCCLELLAN is chairman of the Subcommittee on Criminal Laws and Procedures, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 337) was agreed to, as follows:

S. RES. 337

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $152,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS

The Senate proceeded to consider the resolution (S. Res. 338) authorizing additional expenditures by the Committee on the Judiciary for the consideration of matters pertaining to Federal charters, holidays, and celebrations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $9,500 during the current investigative year for the consideration of matters pertaining to Federal charters, holidays, and celebrations.

During the last session of Congress the same amount was authorized by the Senate for that purpose.

The Committee on Rules and Administration has reported Senate Resolution 338 without amendment.

Senator HRUSKA is chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations, and Senator MCCLELLAN is ranking majority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 338) was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays, and celebrations.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $9,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER OF BUSINESS

Mr. MCCLELLAN. Mr. President, I wish to ask the chairman of the committee if we may next consider Calendar No. 681. I make that request because I must leave the Chamber at this time. If at all possible I would like to have the measure disposed of now.

Mr. JORDAN of North Carolina. That is agreeable with me.

EXAMINATION AND REVIEW OF THE STATUTES RELATING TO PATENTS, TRADEMARKS, AND COPYRIGHTS

The Senate proceeded to consider the resolution (S. Res. 343) authorizing additional expenditures by the Committee on the Judiciary for an examination and review of the statutes relating to patents, trademarks, and copyrights.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $132,000 during

the current investigative year for an examination and review of the statutes relating to patents, trademarks, and copyrights.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $103,889. The pending request includes an increase of $27,000 over last year's authorization. These additional funds are requested by the committee primarily to accommodate the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 343 without amendment.

Senator McCLELLAN is chairman of the Subcommittee on Patents, Trademarks, and Copyrights, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 343) was agreed to as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examination and review of the statutes relating to patents, trademarks, and copyrights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnnel of any of the the departments of agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at its earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $132,000, shall be paid from the contingent fund of the Senate upon vouchers aproved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION

The Senate proceeded to consider the resolution (S. Res. 339) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to immigration and naturalization.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $213,500 during the current investigative year for a study of matters pertaining to immigration and naturalization.

During the last session of Congress $200,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $185,199. The pending request includes an increase of $13,500 over last year's authorization. These additional funds are requested by the committee to enable it to meet its present and anticipated workload.

The Committee on Rules and Administration has reported Senate Resolution 339 without amendment.

Senator EASTLAND is chairman of the Subcommittee on Immigration and Naturalization, and Senator FONG is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 339) was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $213,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM

The Senate proceeded to consider the resolution (S. Res. 340) authorizing additional expenditures by the Committee on the Judiciary for a study and examination of the Federal judicial system.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $220,200 during the current investigative year for a study and examination of the Federal judicial system.

During the last session of Congress $209,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $200,788. The pending request includes an increase of $11,200 over last year's authorization. These additional funds are requested by the committee to meet the increased costs resulting from the recent statutory salary increases and to enable it to acquire the services of a trained investigator.

The Committee on Rules and Administration has reported Senate Resolution 340 without amendment.

Senator TYDINGS is chairman of the Subcommittee on Improvements in Judicial Machinery, and Senator HRUSKA is ranking minority member.

Mr. ELLENDER. Mr. President, I notice that the amount of money is increased from $209,000 which was authorized last year to $220,000 for this year, and the number of employees is increased by one.

Mr. TYDINGS. Mr. President, here again, last year we were forced to use a number of part-time employees. The reasons we are increasing the number by only one is that we hope to make several of them full-time employees.

This subcommittee passed on more substantive legislation than any other subcommittee of the Committee on the Judiciary. Among other things there was the complete reorganization of the Customs Court. We handled the omnibus judgeship bill and several other bills relating to the judicial system, and the bill dealing with oversight of Federal judges.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 340) was agreed to, as follows:

S. RES. 340

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice, and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

SEC. 2. For the purpose of this resolution, the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of departments and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $220,200, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF THE ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT

The Senate proceeded to consider the resolution (S. Res. 341) authorizing ad-

ditional expenditures by the Committee on the Judiciary for an investigation of the administration, operation, and enforcement of the Internal Security Act.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $555,000 during the current investigative year for an investigation of the administration, operation, and enforcement of the Internal Security Act.

During the last session of Congress $515,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $456,156. The pending request includes an increase of $40,000 over last year's authorization. These additional funds are requested by the committee to meet the statutory increases in salary and other expenses and to enable it to utilize additional General Accounting Office investigators on a reimbursable basis.

The Committee on Rules and Administration has reported Senate Resolution 341 without amendment.

Senator EASTLAND is chairman of the Subcommittee on Internal Security, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 341) was agreed to, as follows:

S. RES. 341

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force or violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $555,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF JUVENILE DELINQUENCY

The Senate proceeded to consider the resolution (S. Res. 342) authorizing additional expenditures by the Committee on the Judiciary for investigation of juvenile delinquency.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $257,500 during the current investigative year for an investigation of juvenile delinquency in the United States.

During the last session of Congress $250,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $246,441. The pending request includes an increase of $7,500 over last year's authorization. These additional funds are requested by the committee to enable it to carry out its projected program for 1970.

The Committee on Rules and Administration has reported Senate Resolution 342 without amendment.

Senator DODD is chairman of the Subcommittee on Juvenile Delinquency, and Senator HRUSKA is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. President, can the Senator tell us when this so-called temporary Committee on Juvenile Delinquency was first started? At the time we were told that this was to be a temporary committee which would last for 2 years and possibly 3 years; that was about 20 years ago, as I recall. The Senator from Tennessee, Mr. Kefauver, was the chairman.

Mr. JORDAN of North Carolina. I cannot go back as far as that, but I do understand the juvenile problem has not left us.

Mr. WILLIAMS of Delaware. It can truly be said that there is nothing more permanent than a temporary Senate committee. I am wondering if this does not prove it. This committee started as a temporary committee under the jurisdiction of the then Senator from Tennessee, Mr. Kefauver, yet the committee continuously goes on and on, studying juvenile delinquency.

Perhaps there is some useful purpose, but I cannot see that it is accomplishing very much based on what is happening in the country. Today they are asking for another $250,000. With all of these subcommittees of the Committee on the Judiciary I sometimes wonder what the full committee does. I do not think we should overlook the fact that each full committee gets about $225,000. On top of this they then established eight or 10 subcommittees, some getting as much as $250,000. I wonder if we do not need a committee to find out what all these subcommittees are doing.

Mr. BAYH. Mr. President, I have been asked by the distinguished Senator from Connecticut (Mr. DODD) to present the case for the Subcommittee on Juvenile Delinquency. I am sure I cannot do it as eloquently or as accurately as he would, inasmuch as he is the chairman of that committee. However, I must say that we have these subcommittees to deal with the problems that face the Committee on the Judiciary. If the record is examined with a great deal of care, as I am sure the Senator from Delaware has done, it would be found that I was not privy in connection with the establishment of this subcommittee. Perhaps it should have been established as a permanent committee. I imagine the Senator from Connecticut would be willing to support such a move.

I have here a résumé of the workload which the Senator from Connecticut has planned for the committee. I am sure all of us are concerned about problems of juvenile delinquency, and inasmuch as Senator DODD is unable to be here today because of a longstanding speaking engagement he is making in Connecticut this afternoon, he has asked me to present the Juvenile Delinquency Subcommittee resolution for consideration on the floor and to put into the RECORD his statement outlining the subcommittee program for the coming year.

The total requested this year is $7,500 more than last year when the subcommittee received a total of $250,000. The subcommittee has absorbed the last two Federal pay raises granted by Congress without requesting additional funds for these raises. Because of the increased schedule of hearings and investigations, however, the chairman is now forced to ask for the additional $7,500 to cover its extended legislative program.

With the permission of the Senator from Delaware I shall take a moment to enumerate some fields of endeavor which show this may be a temporary committee but it has a permanent workload. The committee already has plans underway to investigate drug use in the Armed Forces in the United States in general and in Vietnam, in particular. This has been a matter frequently mentioned in newspapers lately. We have hearings scheduled on traffic in pornography and obscene literature. I do not know about other Senators but few subjects fan the emotions of my constituents as much as the trash mail that keeps appearing in our mailboxes and over which to date we have not had effective control.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. WILLIAMS of Delaware. I concur in the statement the Senator just made, but it is my understanding that the Committee on Post Office and Civil Service has held hearings on that same subject and has promised to report a bill. Is it not about time we get legislation instead of continued grandstand hearings and a television show? I think what we need to correct these problems is legislation. Let us get some action.

Mr. BAYH. As the Senator from Delaware has pointed out, the Committee on Post Office and Civil Service is looking into the problem, but I wonder if he has had an opportunity to consider the problem of pornographic motion pictures, pamphlets, books and all sorts of materials that are sold in bookstores and in a variety of ways across State lines other than through the mails. They are problems that are not going to be handled by the Committee on Post Office and Civil Service. This is an important problem that will have its resolution in the

criminal statutes and that is why the Judiciary Committee, through its Subcommittee on Juvenile Delinquency, is going to look into it.

I am sure my colleague noted in the newspapers that the Juvenile Delinquency Committee started to look into the problem last year of delinquent and criminal first offenders, as far as law and order is concerned. Right now those first offenders are thrown into snakepits, with hardened criminals. They do not get rehabilitation; they simply get training to be hardened criminals. The records show that 70 percent of those who are incarcerated will be back in jail in a year or two.

If we are to do something about law and order, we must deal with the problem of doing a better job with juvenile offenders. This is another important matter that the committee is looking into.

I will not proceed further, unless Senators want me to.

Mr. ERVIN. Mr. President, if the Senator will yield, I am not a member of the Juvenile Delinquency Subcommittee, but as a member of the Judiciary Committee I know it did one of the finest of jobs last year in reporting to the Senate a bill we passed just after we returned from adjournment, which was virtually a complete rewriting of the narcotics laws of the country, and a bill of such importance that it required 8 or 10 days for the Senate to consider it.

I also happen to know that my Subcommittee on Constitutional Rights has scheduled joint hearings with the Juvenile Delinquency Subcommittee to pass on bills dealing with pornography. Hearings have been scheduled for early March. I think the subcommittee is doing very important work.

Mr. HUGHES. Mr. President, I would like to ask the Senator a question on the jurisdiction of the Juvenile Delinquency Subcommittee to hold hearings on narcotics and drug abuse by members of the Armed Forces and the reason why that particular Subcommittee on Juvenile Delinquency is holding hearings or considering an investigation of the use of narcotics and drug abuse in Vietnam by members of the Armed Forces.

Mr. BAYH. As I understand the original jurisdiction given the committee, it was criminal activity of persons up to the age of 21. One of the significant problems brought to the committee's attention, after talking with the Senator from Connecticut (Mr. DODD) and his staff, is the large amount of narcotics used by members of the Armed Forces who are 18, 19, and 20 years of age.

Mr. HUGHES. We consider our soldiers in Vietnam juvenile delinquents, then?

Mr. BAYH. No, let us put it this way: To the extent that there is a drug problem with soldiers who are under the age of 21 not only in Vietnam but in the continental United States, I think I would have to suggest that perhaps this is a proper area for the subcommittee to investigate. Hopefully, we will find that it is not too common among our troops.

Mr. HUGHES. Does that subcommittee have jurisdiction to prescribe laws that affect the military? Are they not under the jurisdiction of the military tribunal?

Mr. BAYH. What the committee is trying to do is look at the broad sweep of the impact that a habit started in Vietnam would have on society when those men, many of whom will still be teenagers, come back home. These are teenagers and persons under 21 who are released back into the civilian community who became drug users while in the service. The committee's resolution gives it specific jurisdiction over this problem which has to do with the criminal traffic in drugs.

Mr. HUGHES. Is not the bill we passed 2 weeks ago supposed to take care of that, as far as law enforcement is concerned, after they are discharged into the normal social structure of this country?

Mr. BAYH. I would rather try to get at the source of the problem where it starts than deal with it later when it is necessary to apprehend someone under the law.

Mr. HUGHES. Is it the opinion of the Senator that that is a matter within the legal jurisdiction of that subcommittee?

Mr. BAYH. It is my opinion that it is within the jurisdiction of the subcommittee, yes. The resolution specifically states that the subcommittee shall make a complete study of any and all matters pertaining to juvenile delinquency including: "The extent to which juveniles are violating Federal laws relating to the sale or use of narcotics."

Mr. HUGHES. It is the opinion of the Senator from Iowa that it is not. The Senator from Iowa also has a subcommittee handling narcotic addiction and drug abuse under the Committee on Labor and Public Welfare, which also has jurisdiction of veterans affairs as well as the treatment, prevention, rehabilitation, education, and so on, in those areas. I did not fight a jurisdictional battle on the narcotics bill that was brought to the floor, but I did offer amendments. I think now the danger of extending the authority of the Juvenile Delinquency Subcommittee into other areas is a very real danger. I do not know what is asked for in the way of appropriations to do this, but I know my own subcommittee has appealed for funds, and we certainly have an interest in this area, ourselves.

Mr. BAYH. May I ask the Senator from Iowa to discuss the question of jurisdiction with the Senator from Connecticut when he returns from official business in Connecticut? I am sure they can resolve this question.

Mr. HUGHES. Everything I have resolved so far has been a net loss to me, 100 percent, to the Senator from Connecticut.

Mr. BAYH. I know of no discussions gone into between the Senator from Iowa and the Senator from Connecticut. I think I supported the amendments he offered, so I find myself in concurrence with much that he has discussed in this important area; but I do not think this is the proper place to do it. Let us get the budget nailed down, and then resolve the question of jurisdiction.

Mr. ELLENDER. Mr. President, the amount asked for is $257,000. This is how the subcommittee is perpetuating itself. It is just adding more and more work for itself within this field. After awhile, I am going to bring out how the Nutrition Committee started investigating problems of nutrition, and now it is going into the question of welfare and covering the work of many other subcommittees. That is how committees perpetuate themselves.

Mr. HUGHES. Mr. President, may I say to the chairman of the Committee on Rules and Administration and also the Senator from Indiana that it is not my intention to oppose the appropriation, but I do intend to show to the Senator from Connecticut, chairman of the Juvenile Delinquency Subcommittee, that the authority and jurisdiction for conducting this type of investigation, in my opinion of what the Juvenile Delinquency Subcommittee's authority is, is clearly out of of bounds with what the jurisdiction of our own committee is in these investigations. I just want to make my case on that point, and I think I have done it.

Mr. BAYH. I am sure the Senator from Connecticut will be glad to discuss that question with the Senator from Iowa.

I ask unanimous consent to insert in the RECORD at this point the statement of the Senator from Connecticut, Mr. DODD, and a list of legislation processed by the Juvenile Delinquency Subcommittee.

There being no objection, the statement and list were ordered to be printed in the RECORD, as follows:

Mr. DODD. Mr. President, I urge the Senate to adopt the Senate Resolution 342 which will assure the continuation of the Juvenile Delinquency Subcommittee.

There are obvious and persuasive reasons why this step should be taken. In the past few years juvenile delinquency has risen dramatically in every community throughout the country. To some extent, the statistics on juvenile crime, of course, stem from the fact that the number and proportion of people under the age of 18 has increased in recent years.

But it is significant that the increase in arrests of juveniles has substantially outstripped the growth of the general child population, aged 10 through 17 by a ratio of 4 to 1. I can foresee in the near future that one out of every five American teenage boys will end up in court for other than a traffic offense before his eighteenth birthday.

In recent years, increasing numbers of young people are alienating themselves from society and government; instead of constructive work and the expression of constructive opinions from which society could benefit, they are engaged in campus demonstrations, in militant gang activities, in drug abuse and in active warfare with the police.

Even our grade and high schools have been deeply affected by violence. I directed the Subcommittee to survey the crime situation in 155 major school systems in the United States last year.

The first 36 cities reporting showed that vandalism in schools, including arson, cost more than $6.3 million in a single year.

In four years, the number of assaults on teachers rose 43 percent, forcible rape went up 58.8 percent, homicide climbed 73 percent, robbery soared 280 percent, and narcotic offenses soared 1068 percent. In fact, all categories of crime were up significantly.

Because many school crimes go unreported, these and other statistics are obviously on the conservative side; they certainly are not exaggerated.

All of these observations, of course, are generalities; indeed, even the statistics may well be generalities which tell us little of the causes, the prevention, and most important, of the cure of juvenile crimes.

The investigations of the Juvenile Delinquency Subcommittee consequently have ranged over a wide area, attempting to come to grips with the realities of the situation, to find an answer to the puzzling and increasingly urgent question why crime occurs, what are the conditions under which it thrives, and what legislative answers can be found for its prevention and cure.

We thus have addressed ourselves to specific questions applicable to specific situations for which specific programs could be devised.

NARCOTICS

In the area of narcotics, the Subcommittee held nine days of hearings during which 30 witnesses appeared to comment on the most comprehensive Federal narcotics legislation in history. The narcotics bill, S. 3246, was speedily reported out by the Subcommittee and the Full Committee and passed the Senate last January 28th, after five days of debate. However, because this legislation is so controversial it faces long debate in the House and in the Senate-House Conference for which careful preparations must be made by the Subcommittee staff.

The narcotics hearings bring to mind that over the years the Subcommittee has had a continuing interest in the drug problem which is so crucial to the nation's, and particularly our young people's, health. Thus, we are now proceeding with an investigation of drug abuse by our troops in Vietnam in general, and specifically in the case of the alleged massacre in Mylai. The Committee staff already has talked to many witnesses and we plan to hold hearings on the drug abuse problem among servicemen early in the year.

PORNOGRAPHY

Few problems have been as difficult and pervasive as pornography which through mailing lists invades millions of American families who have not asked for, nor would tolerate, such material in their homes.

Yet, millions are made the unwilling victims of the smut peddlers every year.

Because of the importance of the subject and its many constitutional ramifications, I have decided to combine our efforts with those of the Constitutional Rights Subcommittee in an attempt to develop comprehensive Federal legislation that can cope effectively with the problem while withstanding the test of its constitutionality. This is a joint venture between the two Subcommitees and will involve exensive public hearings beginning in March.

INSTITUTIONS

Last Spring, the Subcommittee held explosive hearings on prison conditions throughout the nation. During the 13 days of these hearings, the 35 witnesses who appeared before the Committee gave a shocking picture of prison conditions throughout the country. We were told of systematic brutality, of beatings, torture, even murder used to establish what the jailers are pleased to call "discipline."

Young people who are either first offenders or who are guilty of nothing more than being homeless, frequently are imprisoned with hardened criminals.

The results are sexual assaults, more brutality, and a thorough schooling in crime. Indeed, the Subcommittee found that there are very few prison systems in this country where rehabilitation is a major part of the program.

The hearings on American penal institutions resulted in a comprehensive corrections bill, S. 2905, the "Correctional Facilities Improvement Assistance Act of 1969." Together with a bill introduced by Senator Goodell, these bills have been referred to the Subcommittee and will be the subject of legislative hearings early in the spring.

SCHOOL VIOLENCE

The social unrest and violence which we have come to associate with college campuses have increasingly spilled over into our public schools, as proved by our 1968 surveys.

Violence in our public schools is almost taken for granted these days.

The fact that:

Teachers come to school armed with pistols and knives to protect themselves;

That in San Francisco, between November 1968 and May 1969 there were 76 cases of extortion; 460 thefts, 440 acts of vandalism, 269 cases of drug abuse and 3,317 cases of defiance of authority;

That in 1966, there were only 3 narcotics violations in the Seattle schools which within a year had increased to 268;

That in San Antonio, assaults by students on students grew 195 percent from 1964 to 1968;

That in New York City, vandalism in high schools rose 254 percent from 1964 to 1968, all this tells us that our public school system is getting deeper and deeper in trouble unless we give some very serious thought to the degree of violence the American people, and particularly our young people, have arrived at.

In the firm belief that this is an area which should be fully explored, the Committee will hold hearings on violence in our schools sometime early in the year.

These hearings are aimed at amending the Juvenile Delinquency Prevention and Control Act to cope with this growing problem.

FIREARMS

I was pleased to see the National Commission on the Causes and Prevention of Violence confirm the earlier findings of the Subcommittee that the availability of guns contributes substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes, such as assassination, murder, robbery and assault.

The Gun Control Act of 1968, which represents the most thorough and far-reaching Federal gun legislation ever passed in this country, already has brought some solid achievements.

The Internal Revenue Service, which is charged with the responsibility of enforcing the act, undertook 986 prosecutions between July and October, 1969, as compared with 197 cases in the same period in 1968, under the old law.

However, despite this most comprehensive gun legislation ever written, a great deal of work still must be done to deal with a half a dozen "fast buck" artists who have devised a way around the intent of that law.

They are presently tooling up to mass produce the cheap "Saturday Night Special," the handgun used for the bulk of our holdups and other crimes. Some of their components are now being manufactured in this country and they are assembled with parts that are allowed to be imported under the 1968 Act. Among the many firearms bills before the Subcommittee, I have proposed one that will deal with these cheap, domestically produced crime guns. Six domestic firms are under subpoena and the Subcommittee staff is presently reviewing their production records and methods with the view to public hearings later this year.

S. 849, a bill proposed by Senator Mansfield to toughen the penalties for those who use guns in the commission of crimes, was reported out of the Subcommittee this past year, passed the Senate and will, no doubt, be of considerable benefit in the nation's fight against armed violenee.

The National Commission on Violence unequivocally stated that:

"This nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats."

It is impossible to foresee the end of violent upheavals, of violent crimes, indeed of violent changes which will be attempted in our society. The Juvenile Delinquency Subcommittee has consistently taken the pulse of the country; it has made many constructive suggestions for the prevention and cure of juvenile crimes; it has been responsible for a great deal of positive legislation and has and will continue to ameliorate the situation.

Mr. President, it is for these reasons that Senate Resolution 342 must be adopted to allow the work of the Subcommittee to go on.

I ask that a list of the legislation processed by the juvenile delinquency subcommittee be printed at the end of my statement.

LEGISLATION PROCESSED BY THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN 1969

Pornography

1. S. 2929 introduced by Senator Robert C. Byrd: To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

2. S. 2930 introduced by Senator Robert C. Byrd: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

3. S. 2073 introduced by Senator Everett Dirksen (including 9 amendments) : To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

4. S. 2074 introduced by Senator Everett Dirksen: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

5. S. 2676 introduced by Senator Joseph Tydings: To prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the United States mails, and for other purposes.

Drugs

1. S. 1895 introduced by Senator Thomas Dodd: "The Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969," to reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

2. S. 2950 introduced by Senator Frank Moss: To provide for the establishment of a Commission on Marihuana.

3. S. 2637 introduced by Senator Everett Dirksen: "The Controlled Dangerous Substances Act of 1969," to the protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

4. S. 3246 introduced by Senator Thomas Dodd: "The Controlled Dangerous Substances Act of 1969," to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes. (Passed in the Senate January 28, 1970.)

Firearms

1. S. 100 introduced by Senator Edward Brooke: "The National Firearms Information Act," to provide for the establishment of a National Firearms Information Center.

2. S. 845 introduced by Senator Wallace F. Bennett: To change the definition of ammunition for purposes of Chapter 44 of title 18 of the United States Code.

3. S. 849 introduced by Senator Mike Mansfield: To strengthen the penalty provisions of the Gun Control Act of 1968. (Passed in the Senate November 18, 1969.)

4. S. 977 introduced by Senator Joseph Tydings: "The Firearms Registration and Licensing Act of 1969," to provide for better control of the interstate traffic in firearms, and for other purposes.

5. S. 1432 introduced by Senator Robert C. Byrd: To change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code.

6. S. 2433 introduced by Senator Thomas Dodd: "The Federal Gun Certification Act of 1969," to amend title 18 of the United States Code.

7. S. 2932 introduced by Senator Thomas Dodd: To amend the Gun Control Act of 1968.

8. S. 2667 introduced by Senator Peter Dominick: To provide additional penalties for the use of firearms in the commission of certain crimes of violence.

Institutions

1. S. 2905 introduced by Senator Thomas Dodd: "The Correctional Facilities Improvement Assistance Act of 1969," to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes.

2. S. 2919 introduced by Senator Charles E. Goodell: "The Criminal Offender Rehabilitation and Crime Prevention Act of 1969," to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 342), was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2 For the purposes of this resolution, the committee, from February 1, 1970 to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $257,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF NATIONAL PENITENTIARIES

The PRESIDING OFFICER. The next resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 344) authorizing additional expenditures by the Committee on the Judiciary for an investigation of national penitentiaries.

The Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on the Judiciary to expend not to exceed $35,000 during the current investigative year for an investigation of national penitentiaries.

During the past several sessions of Congress $5,000 has been authorized by the Senate for that purpose, primarily to pay travel expenses of subcommittee members who visited certain of our national penitentiaries. The pending request includes an increase of $30,000 over last year's authorization. These additional funds are requested by the committee to enable the subcommittee to employ a small but much needed staff.

The Committee on Rules and Administration has reported Senate Resolution 344 without amendment.

Senator BURDICK is chairman of the Subcommittee on National Penitentiaries, and Senator HRUSKA is ranking minority member.

Mr. ELLENDER. Mr. President, I notice that the number of employees for this subcommittee has been increased from zero to three. As I recall, the late Senator from North Dakota, Bill Langer, was provided $5,000 to make trips to various penitentiaries. I understand there is an increase in the request from $5,000 to $35,000. Why the increase?

Mr. JORDAN of North Carolina. Mr. President, I think I can answer that question very satisfactorily. In the past most of the time the subcommittee did not spend that $5,000 because nothing was done.

We are getting a great many complaints about our Federal institutions all over the country, how they are operated and so on. This committee has decided to do some work, hire one employee full time, and put two people on part time who are experts on penal institutions, to actually get out and visit some of these institutions and see if the complaints coming in are justified, and what should be done about it.

I believe this is a justifiable increase, because they have not spent anything at all in the past, and should be doing something about it.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $35,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF THE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES

The Senate proceeded to consider the resolution (S. Res. 345) authorizing additional expenditures by the Committee on the Judiciary for a study of the problems created by the flow of refugees and escapees.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $128,900 during the current investigative year for a study of the problems created by the flow of refugees and escapees.

During the last session of Congress $109,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $95,861. The pending request includes an increase of $19,900 over last year's authorization. These additional funds are requested by the committee for the salary increases authorized last year and for the addition of a minority staff member.

The Committee on Rules and Administration has reported Senate Resolution 345 without amendment.

Senator KENNEDY is chairman of the Subcommittee on Refugees and Escapees, and Senator FONG is ranking minority member.

Mr. ELLENDER. Mr. President, I notice here a request for an increase, and I wonder if this problem is not being studied to death. This committee has been in operation now for many years. I wonder where the refugees are coming from, and what is behind these studies.

Mr. JORDAN of North Carolina. I can answer that question from the testimony given before the Committee on Rules. There is quite a large number of refugees coming into Florida from Cuba, as well as some from Poland and Czechoslovakia. There are refugees, I am told by the committee, in Vietnam, who seem to be a problem of ours, which this committee has studied.

That is the information we got for justification that this committee continue, and that its activities be increased.

Mr. ELLENDER. I can understand the problem about Florida. We spend quite a bit of money to educate the Cubans who come into Florida. But I wonder if the committee has ever come to any conclusion as to what to do. Whenever there are any refugees in question, we jump in and take more than our share. In the case of the Cubans, we have taken all the

responsibility. The vast continent of South America exists nearby, but they will not take them unless we assist in full. I just wonder if the studies indicate the extent to which we should continue taking these refugees into our own country, and not permit other countries to share with us in the expense.

Mr. JORDAN of North Carolina. That is one of the things this committee is supposed to be doing.

Mr. ELLENDER. But it is not.

Mr. JORDAN of North Carolina. I concur in what the Senator says about our bearing all the expense, not just a major part of it, but all. But I move the adoption of the resolution, because I think they are working on it.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 345

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $128,900, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES

The Senate proceeded to consider the resolution (S. Res. 346) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to revision and codification of the statutes of the United States.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $55,800 during the current investigative year for a study of matters pertaining to revision and codification of the statutes of the United States.

During the last session of Congress $52,900 was authorized by the Senate for that purpose, of which the committee has expended approximately $49,595. The pending request includes an increase of $2,900 over last year's authorization. These additional funds are requested by the committee for the statutory salary increases effective July 1, 1969.

The Committee on Rules and Administration has reported Senate Resolution 346 without amendment.

Senator ERVIN is chairman of the Subcommittee on Revision and Codification, and Senator SCOTT is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States.

SEC. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agenices of the Government.

SEC. 3. The committee shall report its findings, together with it recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $55,800, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF SEPARATION OF POWERS

The Senate proceeded to consider the resolution (S. Res. 347) authorizing additional expenditures by the Committee on the Judiciary for a study of separation of powers.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on the Judiciary to expend not to exceed $130,000 during the current investigative year for a study of constitutional separation of powers.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $87,087. The pending request includes an increase of $25,000 over last year's authorization. These additional funds are requested by the committee to accommodate the statutory salary increase, to add an additional staff member, and to contract for special studies.

The Committee on Rules and Administration has reported Senate Resolution 347 without amendment.

Senator ERVIN is chairman of the Subcommittee on Separation of Powers, and Senator HRUSKA is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent, if any, to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

SEC. 2. For the purposes of this resolution the committee, From February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4 Expenses of the committee, under this resolution, which shall not exceed $130,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 312) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $695,000 during the current investigative year for inquiries and investigations.

During the last session of Congress $550,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $453,282. The pending request includes an increase of $145,000 over last year's authorization. Approximately $10.000 of these additional funds are requested by the committee for the statutory salary increases. The balance—approximately $135,000—is requested for staffing and expenses of a new Subcommittee on Alcoholism and Narcotics.

The Committee on Rules and Admin-

istration has reported Senate Resolution 312 without amendment.

Senator YARBOROUGH is chairman of the committee, and Senator JAVITS is ranking minority member. Senator HUGHES is chairman of the new Subcommittee on Alcoholism and Narcotics, and Senator JAVITS is ranking minority member.

Mr. WILLIAMS of Delaware. Mr. Mr. President, under this resolution they are asking for nearly $250,000 more than the same committee spent last year. I wonder how that increase can be justified.

Mr. JORDAN of North Carolina. Mr. President, I would like the Senator from Texas (Mr. YARBOROUGH), the chairman of the committee, to respond to that question.

Mr. YARBOROUGH. Mr. President, the amount requested this year is $145,000 more than was allowed last year; $10,000 of that is in salary increase adjustments. The other $135,000 is for the expenses of the new Subcommittee on Alcoholism and Narcotics, under the jurisdiction of the Senator from Iowa (Mr. HUGHES). We created that subcommittee this year.

Beginning last year, our committee held hearings, at the request of many interested people, on the seriousness of the problem of narcotics and dangerous drug addiction. We held hearings in Washington, Texas, and some other places. It soon became obvious that it was a full-time subcommittee job. As chairman of the Subcommittee on Health, I could not hold them all up here. So the distinguished Senator from Iowa agreed to serve as chairman, and pursued it diligently.

We had no funds for a staff for that subcommittee, and the Senator from Iowa was forced to use members of his own staff to do the work. The majority leader (Mr. MANSFIELD) has repeatedly urged that we get funds to furnish a staff for that subcommittee. So the $135,000 add-on is for that Subcommittee on Alcoholism and Narcotics,, which, from the preliminary work it did and the hearings it held, I think will be one of the most important subcommittees of our entire Committee on Labor and Public Welfare.

Mr. WILLIAMS of Delaware. The Senator mentioned that this is only a $145,000 increase. I call attention to the fact that last year, while there was authorized $550,000, there was spent only $453,282, or approximately $250,000 less than they are now asking for. This year $695,000 is requested as compared with the $550,000 requested last year. That is $145,000 more than what they asked for last year, but it is around $250,000 more than was spent last year. I wonder if they need that additional quarter of a million dollars.

Mr. YARBOROUGH. Yes. I point out to the Senator that last year, following the election, every single subcommittee chairman of that committee was changed. We did not have the membership on the subcommittees worked out, with all the requests of Senators on both sides settled, until about Easter. The distinguished ranking minority member, the Senator from New York (Mr. JAVITS), and I worked diligently to try to accommodate the members of the respective parties insofar as we could, with their wishes, and very often most of the committee members wanted to be on one particular subcommittee.

By the time we had worked that out and had the members of the subcommittees named, and had employed personnel, about $66,500 of the amount unexpended was due to the failure of the committee to hire staff members immediately. We did not just go out and hire staff because there was a vacancy. Two of the staff members we added and I have worked for 12 months—the staff director, Mr. Harris, and the general counsel, Mr. Forsythe, who has spent first in the House of Representatives, and then here, some 16 years—screening people, trying to get the best people we could find.

That $66,500 is due to that delay in completing the staff, and it will be used. There was another $20,000 not expended because we tried to keep salaries in line with individual abilities. We did not just blindly follow a salary scale and raise everybody to the maximum immediately. We started with salaries we thought were reasonable, promoting people and raising their salaries gradually.

Some of the moneys we had for investigations, I feel, will be used this year. The subcommittees were new. Every single chairman was new. Many of the staff members were new. Now they are in the swing, they are moving, they are working, and the money is needed.

We turned back all we could, not because we could not have used it and did not need it, but it took months to get all the subcommittees working efficiently. I believe the distinguished ranking minority member, the Senator from New York (Mr. JAVITS) will agree with me that we now have a smooth-running, hardworking committee, and I believe that we will need all this money this year.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I can well recall that when former Senator Hill was the chairman of this committee, he asked that many of the people employed on these subcommittees be made permanent. The idea was that if we made those employees permanent, there would be no need to increase the number of subcommittee personnel.

But here we find ourselves with 28 more employees that are permanent. In other words, what Senator Hill did was to add to the 10 employees that were provided for under the Reorganization Act 18 more, making 28 altogether. Now, instead of following the plan that he had for decreasing the number of subcommittees, or making it so that these 18 would work for the full committee, we find ourselves in a position wherein this committee will have a total of 64 employees.

In other words, they have 10 employees under the Reorganization Act of 1946; they have 18 that were made permanent 2 or 3 years ago; and now they are asking for 36 more, which would give that committee 64 employees. What will they do with them?

Mr. YARBOROUGH. Why, year before last, when we were down there signing the bill, President Johnson turned to me and said, "80 percent of the legislation that directly affects the welfare of the people, in the Senate, goes through your committee."

Mr. ELLENDER. Eighty percent?

Mr. YARBOROUGH. That is what he said.

Mr. ELLENDER. Other committees must be drones.

Mr. YARBOROUGH. Let me point this out. If the Senator will look at the next to the right-hand column, there are two less employees, than former Senator Hill had. If we get the three new employees, they will be allocated to the subcommittee of the distinguished Senator from Iowa. The number went down by two this year.

I should also like to point out that we have a respectable number of minority members on this committee. We do not try to keep them out of staff. I have followed the practice of former Senator Hill. Each subcommittee chairman picks his staff. They are not all mine. I do not have that patronage of people. In some committees, the chairman insists on it. I do not criticize them. Each committee has its own custom. He appoints all the staff. I have followed the custom of Senator Hill. Each subcommittee chairman picks the staff for his subcommittee.

These will not be a gain for me. The three new staff men will be selected by Senator HUGHES. The total we now have amounts to two less than Senator Hill had.

Mr. ELLENDER. My point is this: I can well remember and I think the RECORD will bear me out—it just came to my attention a few minutes ago—that Senator Hill was desirous of ridding himself of so many subcommittees. The additional employees would be assigned to various Senators to do special work. In that way, he could get rid of special subcommittees. Now we are having increases on both ends of the scale.

Mr. YARBOROUGH. Mr. President, the rules prescribe what our jurisdiction is, and our jurisdiction is public health and a number of other things that we are not exercising. If we look back at 1946 and look at the present situation with respect to dangerous drugs and marihuana and narcotics in this country, we cannot judge the needs of 1970 by 1946. Twenty-four years have rolled by. The number fixed in the 1946 law is wholly inapplicable in America today, with the vast changes in this country in 24 years.

Mr. ELLENDER. I agree with that. But what has happened is that, in addition to the 10 permanent employees, the Senator has added 18, for a total of 28, and then he is adding 36 more.

Mr. YARBOROUGH. This has been inherited from Senator Hill; and, with all his thriftiness, I pointed out that it is two less than he had in his last year; and we plan to add three for the new

Subcommittee on Alcoholism and Narcotics.

A person need not wonder what is happening with respect to narcotics and other dangerous drugs. Just look about. In the last 15 years the situation has changed. Fifteen years ago, the average heroin addict was over 30 years of age, and now the average is under 21. Look at dangerous drugs, with the youth of the country spread out from the ghettos to every level of society, every class of society. It is one of the biggest problems in the country. That is the only subcommittee I have created.

Mr. ELLENDER. I understood that Senator DODD was doing all of that.

Mr. YARBOROUGH. It is within the jurisdiction of this committee and we are entitled to it. We have the duty to do this, under the rules, and the distinguished Senator from Iowa has the capability to do it.

Mr. WILLIAMS of Delaware. In his attempt to justify the request for $695,000 the Senator from Texas keeps talking about the great problem his subcommittee has with respect to drugs and the use of narcotics, but I invite attention to the fact that an almost identical argument was made earlier by the Senator from Indiana on behalf of the Committee on Juvenile Delinquency, which is asking for $257,000 to do this same work.

With such overlapping we almost need a committee to determine the duties of the various committees and to find out the size of their staffs. I wonder if we have not become lost in a maze created by the building up of a series of bureaucracies over which the Senate has lost control. Perhaps any one of these subcommittees considered alone can be justified, but collectively we are becoming a Government of staffs. The Senate now has over 700 committee employees. I think it has gone far beyond reason both as to cost as well as being really effective.

The cost of these subcommittees now is around $8 million annually while the cost of the full committees is another $5 million. Each year we get another 20- or 25-percent increase.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. JAVITS. If I may reply to that, I think the disquiet which Senator WILLIAMS has voiced is one that is in the mind of every Senator. I think we are all indebted to men such as Senator ELLENDER and Senator WILLIAMS who take their time, on an off day, when so many others are not here to watch the dollars and to hold us—I am the ranking minority member of this committee—to account for every dollar we seek.

I join with Senator YARBOROUGH in this matter. I should like to answer, if I may, because I think we must take it on a finite basis.

I would be the first to affirm that one cannot avoid some overlapping. You might as well muzzle every witness, if you would avoid overlapping. I think the line of distinction is clear.

In the Subcommittee on Juvenile Delinquency, Senator DODD is really after the user, the recipient, the influence of television, which he has gone into, on the cult of violence and the cult of drugs. These are critically important things.

On the other hand, in the Committee on Labor and Public Welfare we are concerned with treatment, with cure, with research, with sources of supply. I think these are jurisdictions appropriately apposite to the work of each committee.

The Committee on the Judiciary is concerned with the courts; it is concerned with juvenile delinquency laws; it is concerned with truancy laws; it is concerned with the crime that narcotics addicts commit in order to meet their need, in the area of illegality in which they operate.

Senator HUGHES' subcommittee is concerned with rehabilitation, with things like the methadone treatment, the halfway houses such as we have in New York, and in dealing with alcoholics.

I might point out that alcoholism is a terribly neglected area in our country. We are talking about something that costs American business alone, for sheer absenteeism, an estimated at least two billion dollars a year and probably much more; $2 billion is the lowest possible figure you can pick. That is in addition to a much higher accident rate.

We know, for example, that the fourth most important health problem in the country is alcoholism. I think we all owe a very deep debt of gratitude to Senator HUGHES. For the first time, with the coming of his subcommittee, we have begun to seize hold of this problem in our committee. Senator Moss and I never got very far with our bill until this subcommittee came along, to make it a living matter of interest to the whole country.

So I do think, without in any way trying to gild the lily and say there is no duplication, that in substance there is ample jurisdiction for both, and the job that needs to be done is critically important in both.

Finally, Mr. President, we are dealing with a $20 billion budget for health, education, and welfare. That was very vividly and dramatically illustrated to the country by the President's veto of that budget recently. It seems to me that legislative oversight in these fantastically ramified areas, in which you have buildings upon buildings, thousands upon thousands of Federal employees, must be understood to cost us a little money. I think it is only fair to lay that beside the $3 million which is being appropriated for Judiciary.

Concern about crime is on the mind and in the heart of every American. But, I respectfully submit, so is health, education, welfare, and the aged. They are enormous problems which the Committee on Labor and Public Welfare handles, let alone American labor itself. Thus, I, too, believe—and I am not trying to be doctrinaire about it—that there may be duplication and we can do many things better but, on the whole, this budget is designed to do the job that needs to be done. It is not extravagant. I hope very much that the Senate will approve.

Mr. GRIFFIN. Mr. President, may I speak to the resolution dealing with the Committee on Labor and Public Welfare? I just came into the Chamber and did not have the benefit of discussion up until now.

May I inquire whether there are any funds in the resolution for the investigation of the recent United Mine Workers' election, as to certain charges that came out of that, and other irregularities or charges of improper activities in the labor-management field?

Mr. JAVITS. I am the ranking member of the Labor Subcommittee. The Senator from New Jersey (Mr. WILLIAMS) is the chairman. He has actually undertaken a set of hearings with respect to the problems which arise and could affect labor law in this situation which is so tragic, including, as the Senator knows, the brutal killing of the opponent of the winner in that particular race.

There has been some concern on my part, which I express as to the quasi-judicial activities of the Secretary of Labor, who has a limited time in which to report in respect to complaints made to him about that election, and even the danger of prejudice to a murder indictment in respect of the terrible thing which was the sequel to the election; but I felt, as obviously the Senator from Michigan implies, that bearing in mind the needed taste and discretion which these injunctions that I gave of record require, the overriding public interest was, nonetheless, for the most complete, possible scrutiny.

The Senator from New Jersey (Mr. WILLIAMS) shows every intention of doing that. I join him in it. I feel that we will push along on that line. Should we run into any problem, I assure the Senator, I would urge the Senator from New Jersey (Mr. WILLIAMS) not to be stopped by the absence of necessary resources or of personnel. We will honestly, if we feel we must, come back to the Senate, through the Rules Committee, to lay our case before it. But, as the matter stands now, that has actually been done. There have been two hearings and the committee shows every sign of going forward with it.

Mr. GRIFFIN. May I ask of the chairman or the ranking member how much, if any, additional funds were put into the resolution for that purpose?

Mr. JAVITS. So far as I know, the budget of the Committee on Labor and Public Welfare included this as a very important aspect of its work. There was not set up a specific fund for this one purpose.

Mr. GRIFFIN. Would the chairman be able to add anything to this colloquy?

Mr. YARBOROUGH. Let me say to the Senator from Michigan that there are no additional funds in this request for the investigation. The Senator from New Jersey (Mr. WILLIAMS), in the full committee, had passed its budget and was submitting it to the Committee on Rules and Administration before the other affair arose. The Senator from New Jersey (Mr. WILLIAMS) is preparing a budget for the funds for the investigation. We have called an executive session of the full Committee on Labor and Public Welfare for Wednesday to pass on that budget,

prefatory to submitting whatever request the full committee decides on to the Committee on Rules and Administration, because that came up after the regular budget came up. That would be a special item and whatever investigation has been done up to now has been done under the regular budget of the Labor Subcommittee or the full committee.

Mr. GRIFFIN. Then, as I understand it, this contemplates that there will be another request and another resolution made. At least, there is a possibility that there will be one this week for additional funds for that particular subcommittee for that purpose.

Mr. YARBOROUGH. Solely. For that one purpose.

Mr. GRIFFIN. Mr. President, I have no objection to the resolution as it is presented today.

I want to express, however, to the Senator, my concern about the need for a comprehensive and thorough investigation, one which does not unduly interfere with the investigation now going on by the Labor Department and which will shortly be concluded; and also my concern that a committee of the Senate, which is properly staffed and properly financed, shall have the responsibility to undertake this very difficult challenge.

I invite attention to the fact that I have introduced a resolution which was referred to the Committee on Labor and Public Welfare. I think it should have gone to the Committee on Rules and Administration, but my resolution would have reactivated—I guess the word might be—a committee which was, in effect, in the 1950's known as the Select Committee on Improper Activities in the Labor Management Field. That committee was a bipartisan committee made up of four Democrats and four Republicans—recognizing the difficult and politically sensitive area that this involved. It was chaired by the Senator from Arkansas (Mr. MCCLELLAN). The committee did an excellent and thorough job in the 1957, 1958, and 1959 period. Then it went out of existence.

It is my strong feeling, frankly, that we need that kind of committee again. This is a situation which can be handled by a legislative committee, but I am very much aware of the fact, having served on that legislative committee, that they do not have the staff or the experience of the kind and depth needed for this kind of investigation.

I speak out now, in advance of the time when that resolution may be considered, with the hope that perhaps the Senate will give consideration to the kind of select committee which my resolution seeks to establish.

Mr. YARBOROUGH. Mr. President, I am advised that the Senator from New Jersey (Mr. WILLIAMS) has already been in touch with the General Accounting Office, and with some of the people on the staff of the committee that was headed by the Senator from Arkansas (Mr. MCCLELLAN). The budget request is for $265,000, to staff the investigation fully, and that it will be separate for the regular budget of the Committee on Labor and Public Welfare which is submitted here. That would be special.

I have called an executive session of the Committee on Labor and Public Welfare for Wednesday of this week to pass on the request of the chairman of the Labor Subcommittee, so that whatever action is taken can be submitted to the Committee on Rules and Administration at an early date.

The resolution was agreed to, as follows:

S. RES. 312

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommitte thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health, labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty, railroad retirement; and veterans education, health, and readjustment to civilian life.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $695,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The Senate proceeded to consider the resolution (S. Res. 317) authorizing the Committee on Post Office and Civil Service to make certain investigations.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $275,000 during the current investigative year for inquiries and investigations.

During the last session of Congress, $200,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $177,537. The pending request includes an increase of $75,000 over last year's authorization. These additional funds are requested by the committee primarily to meet its additional urgent responsibilities in connection with postal modernization legislation.

The Committee on Rules and Administration has reported Senate Resolution 317 with an amendment which would revise the title only.

Senator MCGEE is chairman of the committee, and Senator FONG is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 317) was agreed to, as follows:

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, with particualr emphasis upon inquiries into the desirability of major organizational restructuring and modernization. Included in these investigations, directed toward improving postal service in the United States, are mechanization, labor-management relations, ratemaking, capital funding, wages, hours, work schedules, management techniques, and utilization of manpower;

(2) the Federal civil service, including retirement, life and health insurance, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices; and

(3) committee jurisdiction concerning the census and the collection of statistics.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, until January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation at it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $275,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Post Office and Civil Service for inquiries and investigations."

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, will the distinguished chairman yield to me for a brief statement?

Mr. JORDAN of North Carolina. I yield.

PROPOSED LEGISLATION TO ESTABLISH AN ENVIRONMENTAL FINANCING AUTHORITY—CHANGE OF REFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the letter from the Secretary of the Treasury to establish an Environmental Financing Authority to assist in the financing of waste

treatment facilities, which, on February 10, 1970, was referred to the Committee on Public Works, be referred jointly to the Committees on Public Works and Banking and Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. RANDOLPH. While the distinguished chairman of the Committee on Banking and Currency is making this request, let me say that we have discussed this matter. There is no conflict of jurisdiction involved. It is work that the two committee must share. It is our understanding that the bill will come to us for a full consideration. When we have completed our part of the job it will be sent to the Committee on Banking and Currency.

Mr. SPARKMAN. That is correct.

Mr. RANDOLPH. I am glad to hear that is the Senator's understanding.

Mr. SPARKMAN. Further, I understand that when the bill is introduced, which I understand will be on Wednesday, it will be explained and acted on in accordance with the wishes of the chairman.

Mr. RANDOLPH. That will be satisfactory to the chairman of the Committee on Public Works, and I am sure to the ranking minority member of the Committee on Public Works, Senator JOHN SHERMAN COOPER, who is in the Chamber with us.

In a measure of this kind with problems that concern two committees, we want to make sure that responsibility is shared and that their jurisdictions are preserved.

COMMITTEE ON PUBLIC WORKS

The BILL CLERK. Calendar No. 688 (S. Res. 326), authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on Public Works to expend not to exceed $211,500 during the current investigative year for inquiries and investigations.

During the last session of Congress $240,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $234,264. The pending request represents a reduction of $28,500 from last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 326 without amendment.

Senator RANDOLPH is chairman of the committee, and Senator COOPER is ranking minority member.

Mr. RANDOLPH. Mr. President, during the year 1969, the Committee on Public Works considered and reported 11 bills. In consideration of these measures, among others, the committee conducted 45 days of hearings, including 21 days of hearings in the field, and met in executive session 13 times.

During the second session of the 91st Congress, the Public Works Committee—exclusive of the agenda of the Subcommittee on Air and Water Pollution, for which funds are requested under a separate resolution—must complete action on major legislative measures in the fields of rivers and harbors and flood control, highways, economic development, disaster relief, and public buildings and grounds.

Flood control and rivers and harbor development will entail monetary authorizations for continuation of 13 major river basin plans, which authorizations amount to $830 million through fiscal year 1971.

The omnibus rivers and harbors bill for 1970 will involve consideration of some 60 favorable reports now in various stages of approval in the executive branch, which recommend improvements costing an aggregate of some $1.4 billion.

The committee also anticipates oversight hearings on the cost-benefit ratio method of justifying water resources projects by the Corps of Engineers and the feasibility of developing a programmatic rather than a project-by-project approach.

This year, Congress must authorize funds for the orderly continuation of the Interstate System. A final revised estimate of the cost of the completion of the system will be submitted to the Congress by April 15, 1970. Current information indicates that the authorization will have to be increased to $63 billion, to extend through fiscal year 1977. As part of the biennial authorization for Federal-aid highways, the Congress must also authorize the primary and secondary systems for fiscal years 1972 and 1973.

The Subcommittee on Roads will also examine in depth the working of the highway program, review the provisions of existing law, and proceed with the development of national highway needs and a balanced transportation system for the decade of 1975–85.

As a corollary to this work we will review the Highway Safety Act of 1966 and consider the related problems of bridge safety and railroad-highway grade crossings.

The Subcommittee on Economic Development must consider extension and amendment of various authorities under the Public Works and Economic Development Act of 1965 to make this program more effective in relieving area unemployment and underemployment.

Late in 1969, following Hurricane Camille, the Committee on Public Works created a Special Subcommittee on Disaster Relief, which has already undertaken the first of a series of hearings to investigate all aspects of the Federal response to natural disasters. During the last 2 years, there has been 48 presidentially declared disaster areas. The new subcommittee must be prepared for on-the-spot investigations of major disasters such as was required in connection with Hurricane Camille in Mississippi and Virginia during late 1969 and early this year.

It is expected that legislation will be reported during this session growing out of the activities of this subcommittee which will set forth programs and guidelines for action in meeting Federal responsibilities in this field and in assisting the States to develop more effective planning and programs of their own.

It is anticipated that the administration, in its legislative program, will propose amending the Public Buildings Act of 1959 to provide a different method of financing the construction and operation of Federal buildings. Development of a new program will require extensive hearings and study by the Subcommittee on Public Buildings and Grounds.

In summary, to fulfill the responsibilities of this committee, exclusive of the activities of the Air and Water Pollution Subcommittee, the Committee on Public Works and its other subcommittees must conduct approximately 57 days of hearings, both in Washington and in the field.

Early this year the committee announced the formation of a scientific advisory panel on the environment, comprised of nationally recognized experts in many areas of scientific discipline. Because of the impact on the environment of programs authorized by the Committee on Public Works, such as highways and water resources development, this panel will serve the committee in other areas than those of just air and water pollution. The proposed budget of the Committee on Public Works, therefore, includes travel expenses for the panelists who will come to Washington in the service of the committee.

There is also reflected in the proposed budget the addition of two minority staff members to rectify the imbalance which now exists between the majority and minority staff positions.

Mr. President, I urge the Senate to act favorably on Senate Resolution 326.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 326) was agreed to, as follows:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to flood control, navigation, rivers and harbors, roads and highways, public buildings, regional economic development, disaster relief, environmental quality, and all features of water resource development and economic growth.

SEC. 2. For the purposes of this resolution, the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Sen-

ate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $211,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

COMMITTEE ON PUBLIC WORKS

The PRESIDING OFFICER. The next resolution will be stated.

The BILL CLERK. Calendar No. 689 (S. Res. 327), authorizing additional expenditures by the Committee on Public Works for investigations of air, water, and environmental matters, and such other related matters.

The Senate proceeded to consider the resolution, which was reported from the Committee on Rules and Administration with an amendment on page 2, line 11, after the word "from", strike out "February 1, 1970," and insert "the date of approval of this resolution"; so as to make the resolution read:

Resolved, That the Committee on Public Works, and its duly authorized Subcommittee on Air and Water Pollution, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of the financing of waste treatment facilities, extension and amendment to the Clean Air Act, including creation of an Office of Noise Pollution Abatement; extension and expansion of the Solid Waste Disposal Act; completion of action on the Water Quality Improvement Act and the Office of Environmental Water Quality; limitation of underground uses of nuclear energy; potential administration proposals on amendments to the Clean Air Act and the Federal Water Pollution Control Act, the recovery and recycling of waste materials and assessment of waste disposal technology, the establishment of National Environmental Laboratories, and such other matters as may be referred to the subcommittee during this session.

SEC. 2. For the purposes of this resolution, the committee from the date of approval of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $163,500, shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. JORDAN of North Carolina. This resolution would authorize the Committee on Public Works to expend not to exceed $163,500 during the current investigative year for investigations of air, water, and environmental matters.

These additional funds are requested by the committee in order that for the first time it may provide staff and funds for its Subcommittee on Air and Water Pollution. This action is being initiated by the committee because of the major emphasis which the administration is placing on environmental matters, and because of the increasing popular and congressional concern in this vital area.

The Committee on Rules and Administration has reported Senate Resolution 327 with an amendment which would change the starting date from February 1, 1970, to the date of approval of the resolution.

Senator MUSKIE is chairman of the Subcommittee on Air and Water Pollution, and Senator BOGGS is ranking minority member.

Mr. ELLENDER. Mr. President, apparently this is a new subcommittee. We would like to find out something about it. As I understand it, the Labor and Public Welfare Committee is involved.

Mr. RANDOLPH. Mr. President, I point out to the distinguished Senator from Louisiana that no new subcommittee or committee is involved. It is the Subcommittee on Air and Water Pollution of the Public Works Committee. This was the subcommittee established in 1963.

Mr. ELLENDER. Mr. President, what name did it go by at that time?

Mr. RANDOLPH. The name it bears at this time, the Air and Water Pollution Subcommittee.

Mr. ELLENDER. According to the resolution, the committee is asking for $163,500.

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. Was there a subcommittee in existence that did this work?

Mr. RANDOLPH. We had the subcommittee in existence. And we dealt with air, water, and environmental matters, and all other aspects.

We could not do the job with the money provided for the full committee.

I should like to make a statement as to exactly why the request is made.

Mr. ELLENDER. Mr. President, are any other committees engaged in studies of this kind? I understand there are.

Mr. RANDOLPH. Mr. President, there are perhaps several committees. We had the Banking and Currency Committee involved in the financing of a water pollution program that will be introduced on Wednesday. I am not the one to say that all of the legislation is in public works. But I will say that since 1963, the major task involved in pollution and its abatement and control has been within the jurisdiction of the Public Works Committee.

It is our understanding—and the ranking minority member of the Committee on Public Works, Senator COOPER, I am sure, will bear me out—that during the coming months we will have an exceedingly heavy load. I have tried to document very earnestly and very factually before the Committee on Rules and Administration the reasons why the subcommittee must have funds with which to carry on its work.

I say to the very able Senator from Louisiana that we are now receiving 500 letters a week from all over the United States on the subject of environmental programs that are being proposed.

We will be introducing many bills in the Senate in a day or so, measures that have come from our subcommittee.

The amount of money requested is a very modest amount. We need it in order to do the job for the Senate that is necessary in response to the thinking of the American people at the present time.

Mr. ELLENDER. As I recall it, the distinguished Senator from Maine (Mr. MUSKIE) did some work on this matter.

Mr. RANDOLPH. He is the chairman of the subcommittee.

Mr. ELLENDER. Is that the same committee?

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. How has that subcommittee been financed heretofore?

Mr. RANDOLPH. It has been financed from the appropriations made to the Committee on Public Works.

Mr. ELLENDER. It has been financed through the regular appropriations?

Mr. RANDOLPH. The Senator is correct.

Mr. ELLENDER. Does the Senator mean it has been done with 10 employees?

Mr. RANDOLPH. We have had professional staff members of the Public Works Committee that have been assigned to roads, economic development, and air and water pollution.

Mr. ELLENDER. Mr. President, can the Senator tell us how many staff members—that is, specialists—the committee now has in addition to the four provided under the act of 1946? The committee had four assigned to it—on the standing committee.

Mr. RANDOLPH. Mr. President, I will supply that information in a moment. The Public Works Committee is the committee that has jurisdiction over roads and the construction of dams and reservoirs.

The very knowledgeable Senator knows of the work of the authorizing committee, with the Public Works Appropriations Subcommittee, in the field of rivers and harbors. Into the framework of the committee has come economic development, the Appalachian Regional Development Act and five regional programs established under the Public Works and Economic Development Act of 1965. The Appalachian program was the forerunner of these five other regional development programs.

The committee must also make additional efforts in the field of highway legislation. It is work created by the passage of the Highway Safety Act and other new highway measures.

The impact falls on our committee. It has heavy responsibility to develop this matter because of the air and water pollution and solid waste disposal legislation

proposed by the administration, and amendments to the presents acts are being considered by the subcommittee chaired by the able Senator from Maine (Mr. MUSKIE).

The need is very great. We have five professional staff members in addition to the statutory resolution. We would provide for two additional persons, one minority and one majority. I refer to Senate Resolution 327.

Mr. ELLENDER. According to the resolution, it provides for eight new employees.

Mr. RANDOLPH. Not in Senate Resolution 327. They are for the full committee.

Mr. ELLENDER. The Senator is asking for $163,500 for eight new employees, according to the presentation to the committee.

Mr. RANDOLPH. That work has been carried on by the full committee in the past—by some of them, not all of them.

Mr. WILLIAMS of Delaware. Mr. President, would the full committee reduce its staff by these eight employees? Are they to be taken over by the subcommittee, or will the committee still keep 16?

Mr. RANDOLPH. I repeat the response I made to the Senator from Louisiana, that in the past some of these workers have been carried on the full committee staff.

Now, with the increased environmental emphasis, we are asking for a minority staff member and a majority staff member, in addition to those that have been carried regularly.

Mr. ELLENDER. As I understand it under this resolution funds would be provided to employ seven additional members of the staff. That is what the clerk tells me and it is in the justification. That is what I am trying to have clarified. I wish the Senator would place in the RECORD the number of staff members he now has in addition to the regular members and then add these to them to indicate the full number.

I do not want to be misunderstood. I am referring to these studies. However, the Committee on Commerce is given a lot of money to do the same thing and I understand the Committee on Labor and Public Welfare is given a lot of money to do the same thing. I wonder whether there is duplication.

Mr. RANDOLPH. I know of no Labor Committee jurisdiction.

Mr. ELLENDER. I have been handed a note to the effect that the Labor Committee does some environmental work. Whether it is true I do not know but I am told that.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I address myself to the question raised by the Senator from Louisiana. It is true the Committee on Commerce has some jurisdiction. For example, there is the matter of automotive engines.

Mr. RANDOLPH. And jet aircraft.

Mr. COOPER. And jet aircraft. That is included because they deal with transportation. The Committee on the Interior has some jurisdiction. However, the Committee on Public Works has absolute jurisdiction—at least we think so—over the question of water pollution control, air pollution control, solid waste disposal, the millions of junked automobiles all around the country, bottles, containers, and garbage.

We have the question of water pollution control, which also deals with the unusual problem of oil spills. A year ago we began hearings on oil spills after the incident at Santa Barbara. There have been other oil spills all over the world, but this particular one made a tremendous impact in this country.

Mr. RANDOLPH. The most recent one was in Florida.

Mr. COOPER. I am not an engineer nor am I an expert in this field, but to show the problems that arise, there is the problem of working out a formula of negligence; that is, whether to make it a public burden or the sole burden of the carriers. We had testimony from insurance carriers from all over the world. Some of them came from England. The question dealt with on-shore facilities as well as off-shore facilities and the liability for spills on the great Mississippi River and the Ohio River. We worked for 1 year on it and we have not yet reached a solution. Our committee met day after day and we had good attendance on both sides.

On the question of solid waste, air pollution, water pollution, and so forth, there were two or three members from the full committee to study this problem. We had three minority staff members.

Now, the President is calling for a more comprehensive program in the next 4 or 5 years with the construction of municipal sewage plants with $4 billion to be authorized by the Federal Government and $6 billion from the States for financing the program. This is the reason, in my judgment, we had to have seven staff members. This matter deals with billions of dollars.

Mr. RANDOLPH. Mr. President, I would like to supplement what the able Senator from Kentucky has said.

Mr. President, the greatly increased national understanding of the need for major emphasis on environmental matters makes it imperative that the Committee on Public Works expand its agenda in the field of pollution control legislation in which the committee has pioneered. In order to respond to popular concern and facilitate congressional initiative, the Committee on Public Works is, for the first time, requesting separate funding of the Subcommittee on Air and Water Pollution.

As indicators of public and congressional interest in this field, the subcommittee is receiving approximately 600 letters a week, at least three-fourths of which require individual responses and there are pending in the subcommittee 13 major bills on pollution and environmental matters introduced in the first session of the 91st Congress.

The 1970 legislative agenda of the Subcommittee on Air and Water Pollution will include consideration of major amendments to the Federal Water Pollution Control Act. As proposed by Senator EDMUND S. MUSKIE, chairman of the subcommittee and other Members of the Senate, this program envisages the authorization of $2.5 billion per year in Federal construction grants for the next 5 years, the Federal share for $25 billion worth of facilities; incentives to encourage river basin development and financing of treatment systems for all sources of waste within the basin; the extension of the water quality standards program to all navigable waters; a minimum requirement that all new industrial facilities which use the navigable waters of the United States incorporate the best available pollution control technology as a condition of such use; a requirement that enforceable effluent standards and compliance schedules be specifically included in any water quality standards implemenation plans; tightened up Federal enforcement procedures on a uniform, effective basis; greater public participation in standards development and extension of public participation to enforcement by permitting class suits against alleged violators of standards; and a requirement that Federal water quality criteria for all pollutants be published and revised as appropriate as a sound basis for effective standards development.

It is also essential that we give full attention to the extension and amendment of the Clean Air Act. Proposed legislation on this subject encompasses recommendations for the creation of an Office of Noise Pollution Abatement; national emission standards for all moving sources of pollution; accelerated research efforts to develop emission-free motor vehicles, for compliance with low-emission standards; the requirement that all new industries subject to the provisions of this act be required to install the best available pollution control technology at the time of construction; the early designation of all anticipated air quality control regions; the extension of Federal enforcement authority to project the public health and welfare against intrastate violations of air quality standards; and a substantial increase in the manpower available for the National Air Pollution Control Administration for the development and enforcement of air quality standards.

In addition to the foregoing, we must complete action on S. 2005, the Resource Recovery Act of 1969. Consideration must be given to the development of new methods to reduce, reuse, and recycle wastes; testing and demonstration of these new methods; the recommendation of standards for solid waste disposal and collection systems, grants for construction of local and regional resource recovery and solid waste disposal facilities; and a substantial increase in the Federal financial commitment to the solution of these problems at a level of some $800 million over a 5-year period.

Legislation covering all of the above items in water pollution, air pollution, and solid waste management is pending before the subcommittee, and new proposals are expected from individual Members of the Senate. The administration has already forwarded to the Congress its proposals for action on these vital subjects.

In accordance with the request of the

majority and minority leaderships and the existing practice of the committee, extensive oversight on agency administration of these programs will be conducted. Such review will substantially assist the subcommittee in its deliberations on the proposed new programs.

It is anticipated that the subcommittee consideration of these and other matters will require approximately 45 days of hearings in Washington and in the field. In order to fulfill these demands it is essential that the subcommittee staff for both the majority and the minority be increased, and the proposed budget anticipates the addition of one professional and one clerical staff member for the majority staff and one professional and one clerical staff member for the minority.

Mr. President, the need for effective action on these problem-solving programs is essential to our national well-being. I urge Members of the Senate to respond by approving Senate Resolution 327.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 327) was agreed to.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS

The PRESIDING OFFICER. The next resolution will be stated by title.

The BILL CLERK. A resolution (S. Res. 307) to authorize expenditures for salaries and other purposes for the Subcommittee on Privileges and Elections.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 22, after "January 31," strike out "1969." and insert "1971."; so as to make the resolution read:

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the election of the President, Vice President, or Members of Congress;

(2) corrupt practices;

(3) contested elections;

(4) credentials and qualifications;

(5) Federal elections generally; and

(6) presidential succession.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and the personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Committee on Rules and Administration to expend not to exceed $150,000 during the current investigative year for continuing studies of Federal election laws and related matters.

During the last session of Congress $105,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $61,993. The pending request includes an increase of $45,000 over last year's authorization. These additional funds are customarily requested by the committee each congressional election year to assure that sufficient funds are available to investigate election complaints and to handle any election contests which may arise.

The Committee on Rules and Administration has reported Senate Resolution 307 with minor amendments which would revise the title of resolution and rectify a clerical error.

Senator CANNON is chairman of the Subcommittee on Privileges and Elections, and Senator CURTIS is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Rules and Administration for continuing studies of Federal election laws and related matters."

SELECT COMMITTEE ON SMALL BUSINESS

The PRESIDING OFFICER. The next resolution will be stated by title.

The BILL CLERK. A resolution (S. Res. 322) authorizing additional expenditures by the Select Committee on Small Business.

The Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $175,000 during the current investigative year for a study of the problems of American small and independent business.

During the last session of Congress $155,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $149,141. The pending request includes an increase of $20,000 over last year's authorization. These additional funds are requested by the committee to meet its increased responsibilities and its need for more investigations and hearings. No additional personnel are requested.

The Committee on Rules and Administration has reported Senate Resolution 322 without amendment.

Senator BIBLE is chairman of the select committee, and Senator JAVITS is ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 322) was agreed to, as follows:

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 316) continuing and authorizing additional expenditures by the Special Committee on Aging, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 25, after the word "than", strike out "$2,400" and insert "$2,700"; so as to make the resolution read:

S. RES. 316

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through January 31, 1971.

SEC. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be

fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1970, through January 31, 1971, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursable basis such executive branch personnel as it deems advisable.

SEC. 6. The expenses of the committee, which shall not exceed $215,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971. The committee shall cease to exist at the close of business on January 31, 1971.

Mr. JORDAN of North Carolina. Mr. President, this resolution will continue the authority of the Special Committee on Aging and authorize it to expend not to exceed $215,000 during the current investigative year for a study of all matters pertaining to problems and opportunities of older people.

During the last session of Congress $230,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $214,662. The pending request is $15,000 less than last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 316 with a minor amendment which would correct a clerical oversight.

Senator WILLIAMS of New Jersey is chairman of the special committee, and Senator PROUTY is ranking minority member.

Mr. ELLENDER. Mr. President, I wonder if we can find out what this committee is doing. What results are coming forth? It has been in existence quite a while.

Mr. JORDAN of North Carolina. Mr. President, I wonder if the Senator from West Virginia (Mr. RANDOLPH) will explain. Incidentally, the committee asked for $15,000 less than last year.

Mr. RANDOLPH. Mr. President, the Senator from New Jersey (Mr. WILLIAMS) had to leave the floor. I am a member of the Special Committee on Aging. In response to the question of the Senator from Louisiana with reference to the work being carried forth by the committee, let me say that 1969 was one of the busiest and most productive years for the committee. Hearings covering 22 days were carried on in Washington, D.C., with supplemental hearings of 12 days in the field. The subjects ranged from "Older Americans in Rural Areas," and efforts to help them, to "Trends in Long-Term Care," and other subjects. The major subject was that of the economics of aging. This subject was suggested by the minority in its 1968 report.

Four task forces were involved preparing working papers in advance of hearings held. These working papers documented the need, and were very useful in our deliberations both at hearings and with relation to the social security legislation in 1969.

The Special Committee on Aging works with other congressional units. We have conducted hearings with the Select Committee on Nutrition and Human Needs. Our Special Committee on Aging, with the Committee on Labor and Public Welfare, has held hearings on the Older American Act amendments.

We have investigated the usefulness and availability of Federal services and programs to elderly Mexican-Americans, which is outlined in the report, and the usefulness of the model cities program to the elderly. These are the types of programs that have been carried forward: "Trends in Long-Term Care," under the guidance of the Senator from Utah (Mr. Moss); "The Federal Role in Encouraging Preretirement Counseling," under the guidance of the Senator from Minnesota (Mr. MONDALE); and other subjects. I chair a Subcommittee on Employment and Retirement Incomes.

This year we have 15 staff personnel. It is the same number as last year. It includes two part-time employees.

We have had the volunteer services of a number of experts who have worked on several task forces. They prepared working papers for our help, in advance of hearings. This has been done without cost to the committee, with the exception of some travel expenses incident to individuals who came to Washington, D.C.

Mr. ELLENDER. The subcommittee has been in existence quite a while, and I am just wondering if there is any end to it. The Senator mentioned nutrition. We had a committee working on that subject all last year. I am wondering the extent to which these committees will keep on going. Here we are spending a quarter of a million dollars a year for that purpose. It has been going on for probably 10 years or more. I am wondering if we can get to an end of some of these committees.

Mr. JORDAN of North Carolina. Mr. President, I am not on this committee, but I do know that a considerable amount of work is being done by that committee, because the aging problem is an increasing problem in this country and is of great concern.

Mr. RANDOLPH. When the Special Committee on Aging was brought into being, we did not have the medicare program. That is one of the many developments that have come about in recent years.

The PRESIDING OFFICER. The question is on agreeing to the amendments to the resolution.

The amendment was agreed to.

The resolution, as amended, was agreed to.

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

The Senate proceeded to consider the resolution (S. Res. 323) relative to extending the Select Committee on Nutrition and Human Needs through January 31, 1971.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. JORDAN of North Carolina. This resolution would continue the authority of the Select Committee on Nutrition and Human Needs and authorize it to expend not to exceed $246,000 during the current investigative year for a study of matters pertaining to the lack of food, medical assistance, and other related necessities of life and health.

During the last session of Congress $250,000 was authorized by the Senate for that purpose, of which the committee has expended approximately $237,390. The pending request is $4,000 less than last year's authorization.

The Committee on Rules and Administration has reported Senate Resolution 323 with an amendment which would revise the title only.

Senator MCGOVERN is chairman of the select committee, and Senator JAVITS is ranking minority member.

Mr. ELLENDER. Mr. President, as I stated in my opening statement earlier in the day, here is a committee that was created in 1968, in the latter part of the year, and last year, it was renewed. The Senate was asked to increase the $150,000 appropriation suggested by the Committee on Rules to $250,000, and we had quite a discussion as to the matter. As I understand it, if the amount that we provided were increased from $150,000 to $250,000, it was stated that it would be sufficient, not only to hold extensive hearings and study the problem, but to make a final report, and thereby end the work of the committee.

It is my recollection that there was a specific statement made, as I recall by the distinguished Senator from Illinois (Mr. PERCY), who led the fight to increase the appropriation from $150,000 to $250,000. I have a quotation here from the CONGRESSIONAL RECORD, volume 115, part, 3, page 3673. This is in response to a question by the Senator from Nebraska (Mr. CURTIS) as to how long the committee would last. The Senator from Illinois stated:

> As we analyzed the budget, we decided this committee should not be a continuing committee.

I was there when all this was done. The Senator continued:

> The continuing function should be carried on by the agencies.

In other words, the idea was for us to start hearings on this program, and indicate what the problems were.

We did just that, and now we are told that this committee needs to be broadened. In other words, they are moving to a new field.

Mr. President, that is how these subcommittees have thrived and expanded,

and have been renewed and extended from year to year. I was handed some time ago a list of what is proposed to be accomplished by this extension. The committee staff seems to feel that the committee has jurisdiction over virtually all activites of Government with possibly the exception of the Department of Defense. For instance, I read from the memorandum prepared for consideration during the committee's executive session of January 20:

It is proposed that in 1970 in addition to completing its studies directly related to nutrition, *the Committee turn its attention particularly to the areas of health, income maintenance and welfare reform.* It is suggested that the long-term solution to the hunger problem, as was clearly the conclusion of the White House Conference on Nutrition, is *adequate income.* Food stamps and commodities, which the Committee focused upon last year, are essential interim solutions, but the long-term solution is an adequate *income maintenance* program. Furthermore, in 1969, the Committee did not have time to look at nutrition problems in the context of medical care and health.

It would go into the purposes for which many of the subcommittees have asked for funds today, and into many of the problems that have already been studied by various executive committees as well as our standing committees. The quotation continues:

It has not had time to examine the role of private medicine, the role of medical education or the role of public health in meeting nutrition and other needs.

I am reading from the conclusions reached by this special committee on January 20.

I point out, Mr. President, that these matters are the direct responsibilities of the regular standing committees, namely, the Committee on Labor and Public Welfare and the Committee on Finance which has jurisdiction over the income maintenance proposals now before the Congress. There are voluminous studies underway within the executive branch on the problem of nutrition and health and income needs. As the recently published study by the President's Commission on Income Maintenance Programs pointed out, "Thousands of pages of statistics about the poor have been labeled and published, the poor have been measured, surveyed, and sorted into numerous categories . . ." And so forth.

I am as concerned about those in need as any man in this Senate but it seems to me that we are quickly reaching a point of diminishing returns in piling studies on top of tabulations. This, in effect, is what the Select Committee proposes to do. There are a few of us on it who object to this but so far we are in the minority. In this connection, Mr. President, it always seemed to this Senator, as chairman of the Committee on Agriculture and Forestry, that what we needed was to get some more action in this field by improving the existing programs and by educating the people as to what constituted a proper diet in their areas.

And may I say, Mr. President, as shown by the hearings that we had, the Department of Agriculture has provided in excess of $10 million, in order to obtain people to teach housewives how to balance their meals. All of this has been done. All of the programs that were suggested by the committee, I think, have been put into effect. Now that we have done all of that, the committee wants to sustain itself, wants to continue itself by going into other matters, far removed from the original purpose of the resolution.

Mr. President, I do not want to read all of the reasons given for the continuation of this committee, but I ask unanimous consent to have printed in the RECORD at this point the various proposals that the committee intends to look into, in addition to nutrition, which, as I recall, was the main purpose for the creation of the committee.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

AGENDA

1. Extension of the committee and budget for 1970

A proposed resolution, budget and accompanying memorandum to the Rules Committee are attached. The resolution would extend the Committee through January 31, 1971, and authorize expenditures from the contingent fund of the Senate not to exceed $246,000. The Committee budget for 1969 was $250,000. The proposed 1970 budget would maintain the Committee staff at its present level but with the addition of one more minority professional staff member. Upon approval of a resolution and budget, it is anticipated that the resolution will be referred to the Committee on Rules and Administration.

2. Committee activities during 1970

The Committee's activities in 1969 focused largely, if not almost exclusively, upon the extent and effect of hunger and malnutrition, the effectiveness and need for reform of federal food assistance programs administered by the Department of Agriculture and on the role of private industry in meeting the nutritional needs of the American people.

It is proposed that in 1970 the Committee turn its attentions to a broader spectrum of human needs, placing the problems of hunger and malnutrition in the perspective of the other related basic needs of poor people and other Americans.

The Committee mandate under the resolution which established the Committee in the 90th Congress directs the Committee "to study the food, medical and other related basic needs among the people of the United States."

It is proposed that in 1970 in addition to completing its studies directly related to nutrition, the Committee turn its attention particularly to the areas of health, income maintenance and welfare reform. It is suggested that the long-term solution to the hunger problem, as was clearly the conclusion of the White House Conference on Nutrition, is adequate income. Food stamps and commodities, which the Committee focused upon last year, are essential interim solutions, but the long-term solution is an adequate income maintenance program. Furthermore, in 1969, the Committee did not have time to look at nutrition problems in the context of medical care and health. It has not had time to examine the role of private medicine, the role of medical education or the role of public health in meeting nutrition and other needs.

It is suggested, therefore, that the Committee begin a series of hearings in Washington on health and income maintenance—perhaps two days on each subject primarily directed toward problems in urban areas. These hearings would be followed by a field trip to Chicago and a second field trip to New York City. The Chicago hearing might emphasize health problems, the New York City hearing welfare reform. Further Washington hearings would be held on each of these subjects as they relate to rural areas, followed by one or two field trips to rural areas.

In addition, it is suggested that the Committee also follow up last year's activities with hearings on the following subjects:

a. *Child nutrition and school lunch:* The Committee began a series of hearings last year but did not complete its activities on this subject.

b. *White House Conference on Nutrition:* As suggested by Dr. Jean Mayer, it is proposed that the Committee hold a series of hearings on the results of the White House Conference and on the implementation of its recommendations by state, local and private groups as well as by the federal government.

c. *National Nutrition Survey:* An up-to-date report on the results of the complete 10-state survey by Dr. Arnold Schaefer should be ready to be presented to the Committee in the near future.

Mr. ELLENDER. The staff has worked up many different programs for the committee to look into. There are approximately 30 subcommittees, as I recall, and many of them are concerned with the very matters that this committee wants to look into. I think the select committee should make its report—I believe it has been prepared—and the funds should be denied for the continuation of this committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I had not read this resolution until a few minutes ago. I intended to return to Washington yesterday, but the airport was closed and I could not make it.

I do not think I have ever read a resolution proposed to the Senate that goes to the extent that this one does. It appears to me as if it is instructing this committee to study ways and means of completely changing our Government over and setting up a complete Federal welfare state which would be responsible not only for food but also for clothing, shelter, recreation, education, and everything else that families in all walks of life like to have.

I am very much disturbed in reading this, because during the last few months I have run across plenty of evidence that there are those who are trying to destroy the Department of Agriculture and its work. I actually had a request to see what I could do toward getting money away from the Extension Service and handing it over to one of the OEO agencies. I want to say for the OEO that the administrative personnel there is considerably different from what it was a year ago, and they have some very capable people.

I well recall the food stamp bill which this body passed and which the House apparently will not pass, under which people—I do not know how many people qualify for food stamps—could use food stamps for practically anything necessary to make them happy besides food.

I do not like these attacks on the Department of Agriculture and the efforts that are being made to destroy it. I do

not blame Secretary Finch for this. There is an organization around the country that certainly thinks the U.S. Government is set up all wrong and has to be made over.

I am going to vote with the chairman of the Committee on Agriculture and Forestry. I agree that we must not let people suffer from hardship, from disease, or from hunger, but I do not think it is necessary to change the Government of the United States as radically as this proposes to do in order to do so.

Mr. ELLENDER. Mr. President, I wish to repeat that this resolution takes the same course as other resolutions in the past. They organized for a specific purpose. They said, "We can conclude this work in a year or two." As I have pointed out, we have had one going on for 20 years, and the work has not been completed. This resolution had for its purpose, as I stated earlier, the study of malnutrition, and I think the committee did a fine job in the investigation it conducted. But now that that work has more or less been completed and Congress has acted, the committee now desires to go into other phases of our every day life and take jurisdiction of many of the problems that are now being studied by the Government itself and by many subcommittees as well as standing committees.

Mr. President, I hope that the resolution will not be adopted and that the moneys requested will be denied.

Mr. JORDAN of North Carolina. Mr. President, the Senator from South Dakota (Mr. McGOVERN), who is the chairman of this committee, is out of town, and he has asked the Senator from Minnesota (Mr. MONDALE) to speak in reference to this matter.

Mr. MONDALE. I thank the Senator. I understand that the Senator from New York, the ranking minority member of the Select Committee on Nutrition, has a statement to make, and I yield the floor to him.

Mr. AIKEN. Mr. President, I should like to ask one question of someone who understands the bill thoroughly.

Mr. JORDAN of North Carolina. I suggest that the Senator ask the Senator from New York (Mr. JAVITS).

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I am not designating anyone in particular to answer.

I read from page 2 of the resolution:

> For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment.

If I recall correctly, there is a Senate rule which prohibits the dismissing of staff members as the control of Congress changes from one party to the other. We do not know what the minority party will be next January. It looks as though it will be different from what it was in times past. I think if the majority keeps proposing the remaking of our Government, there might be a change in the majority party. I do not know about that for sure, and I would not make any wagers.

Mr. JAVITS. Mr. President, I think this is standard boilerplate.

Mr. AIKEN. Under this resolution all but one staff member must be of the party that has a majority in Congress, and that is not right, if you have any intention of doing good work.

Mr. JAVITS. I think the Senator's concern is proper, but I believe this is the standard boilerplate of such resolutions, just to assure the minority of exactly that situation. There shall be at least one professional staff member who is selected by them and to whom they can look.

Mr. JORDAN of North Carolina. That is correct.

Mr. AIKEN. Is that requirement in all these resolutions?

Mr. JORDAN of North Carolina. It is, where a staff is set up and new members of a staff are added. It is to protect the minority group.

Is that not correct?

Mr. JAVITS. That is my understanding.

Mr. JORDAN of North Carolina. That is known as the Curtis amendment.

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, I promise not to speak for more than 3 minutes.

Mr. President, as the ranking Republican on the Select Committee on Nutrition and Human Needs, I support Senate Resolution 323 which would allow the Select Committee to continue its activities for an additional year through January 1971.

I supported extension of the Select Committee in executive sessions of the Select Committee and the Committee on Labor and Public Welfare, on which I am also the ranking minority member, and appeared before the Rules Committee with Senator McGOVERN in support of Senate Resolution 323.

The Select Committee has shown a good record over the past year. The committee has played a major role in arousing the conscience of this Nation to the intolerable conditions of hunger and malnutrition amidst affluence. Furthermore, I believe that this committee is regarded by the millions of the poor in this country as their advocate in alleviating such conditions.

The Select Committee's historic hearings helped to spur the passage of an expanded food stamp program and produced thousands of pages of testimony which made crystal clear this Nation's failure to meet its food and nutritional obligations to millions of hungry Americans.

Senate Resolution 281, under which the committee was established, clearly mandates the comimttee to study the food, medical and other nutrition-related basic needs among the American people. Thus far, the committee has dealt quite extensively with problems related to food and nutrition but has not yet had the opportunity to study fully health, welfare, and other basic needs as they relate to nutrition pursuant to its Senate mandate. Previously, I stated that I expected the committee would terminate this year. However, because of the developments I have just related, I support the committee's extension.

The committee has held many hearings, conducted staff research and studies relating to the operation and implementation of the food stamp commodity distribution, school lunch, supplemental food, nutrition aides, and other Federal food and nutrition assistance programs. It has published an interim report, "The Food Gap: Poverty and Malnutrition in the United States," and has gathered data on child development and its relationship to malnutrition, and on the economic and social consequences of malnutrition.

But there is much left for the committee to do, including its follow-up on the recommendations of the recent White House Conference on Food Nutrition and Health. For this reason, Dr. Jean Mayer, who served as the President's Consultant on Nutrition and who coordinated the White House Conference, has publicly stated that the committee should be continued.

Mr. President, I have worked closely with Senator McGOVERN, the committee's chairman, and am very pleased with the close working relationship which has existed between Republican and Democratic members of the committee. Also, the administration has demonstrated its desire to cooperate and provide leadership in the development of programs and legislation to eliminate hunger and related problems. Secretary Hardin and Secretary Finch have been before our committee, demonstrating the spirit of cooperation which the administration has exhibited.

Mr. President, I am confident that my colleagues will agree that we cannot now tell the malnourished of this nation that we are going to discontinue that committee which they have come to regard as their spokesman. We cannot and should not tell them that we are going to stop before the job is completed. Hence I urge continuance of the committee for another year. Within that time I feel the necessary factual basis can be established and recommendations made to the appropriate legislative committees.

As I have stated, I had, myself, given assurance to the Rules Committee that we would treat the Select Committee as a temporary operation and that we would end it at the end of the first year. I will not go into the history of the formation of this committee, however, I will state that it came about because, in a sense, hunger was discovered in the United States. In fact, there was much opposition to the fact that there was any hunger in this country and there was much argument that it did not exist. I think some Members may recall a somewhat violent confrontation between former Secretary of Agriculture Orville Freeman and a number of us, Democrats and Republicans alike—the late, lamented Senator Robert Kennedy of New York; Senator GEORGE MURPHY of California; former Senator Joseph Clark of Pennsylvania; myself and other members of the Subcommittee on Employment, Manpower, and Poverty.

The Senate established the Select Committee based upon a resolution sub-

mitted by Senator McGOVERN as sort of an act of conscience, and I think it was very proper.

There has been much evidence indicating that hunger and malnutrition affects millions of Americans. Senator ELLENDER has heard this evidence, and though I respect completely his view as to the fact that the standing committees should handle it, I do not think there is any controversy about the fact that all of us—he and I and everybody else—have learned new things about the problem of hunger in the country which has appalled the conscience of America.

During our year of operation, the White House Conference on Food, Nutrition, and Health, was convened. Literally hundreds of recommendations resulted from that conference. For the Select Committee to quit, just at the moment when the country, Congress, and the administration are beginning to deal with the recommendations which have resulted from, as it were, this "people's conference," would really be aborting the work for which the Senate established the committee. As I stated above, this is one of the main reasons for continuing.

Now I should like to speak to what the Senator from Vermont (Mr. AIKEN)—whose judgment I always respect—pointed out as rather broad areas which the committee might look into.

I should like to tell him this: I give him my personal pledge, whatever may be my views—and he knows I hold views that most people consider liberal on many subjects—he knows I am a careful lawyer and that I do not make wild promises—that I can assure him we will certainly keep the committee, so far as I can humanly do it—and I think I can—faithful to its mandate. That mandate is hunger, the strict question of its impact upon our people, what can be done about it, and includes a deep understanding that it is the legislative committees that must be relied upon to take action.

As I have already stated, I made this pledge to the Committee on Rules and Administration. The Senator from South Dakota (Mr. McGOVERN) was before the Rules Committee also and I think he feels as keenly as I do about the scope of the select committee's jurisdiction.

Mr. President, I will be through in a minute but I should like to give my colleague an example. When we say that we will be concerned with the welfare payment, that sounds like, "What are we doing with that? There is the Finance Committee and the Committee on Labor and Public Welfare, and so forth, to handle that."

But, we have discovered as a technique that the inclusion of an allowance for food, or a plan for food, may have a lot to do with whether we can handle the welfare load without breaking the back of the country.

The wisdom, the art, in which that can be done is properly something which the committee can look into. It is still a recommendation. It is still a legislative committee, however, that will have to do what has to be done.

Thus, coupling the two points, one, that we found the ramifications of malnutrition; and second, the deep feeling I have as ranking minority member, in which the Senator from South Dakota (Mr. McGOVERN) joined, that the committee must be kept catholic to its purpose, are an assurance to the Senate that we will not wander all over the lot. I have been here long enough to know that if we did wander, we would be speedily corrected by the Senate in ways which it knows expertly how to do.

Mr. AIKEN. Mr. President, the Senator from New York knows that I have great confidence in his purpose and his ability. I would like to remind him, however, that for at least 10 months he will be a minority member on that committee. What happens beyond that, I do not know, and I am not ready to predict at this time.

But the question I want to ask is: Is this resolution identical with the resolution or the authority under which the Committee on Nutrition is now operating? Is it identical?

Mr. JAVITS. It is not identical.

Mr. AIKEN. It has been broadened?

Mr. JAVITS. It has not been broadened. On the contrary, it has been contracted. The original resolution was broader than this one. This resolution zeros in, in my judgment, on——

Mr. AIKEN. I do not see how it could be much more.

Mr. JAVITS. I should like to be constructive as to the temper of the Senate at this particular time. I asked a constructive question as to the resolution, because I wanted to see for myself exactly what the Senator refers to. Senate Resolution 281, adopted April 26, 1968—the operative part of it reads, "to study the food, medical, and other related basic needs among the people of the United States."

Those are the only operative words, "to study the food, medical, and other related basic needs among the people of the United States."

The key words which appear on page 1, line 7, of the pending resolution are: "All matters pertaining to the lack of."

It seems to me that that is a channeling of the committee into a narrower path than even the original resolution.

I should like to make the legislative history clear on that to the Senator from Vermont, because I think the Senate should have that from me, and I hope from the majority as well, that we will concentrate in every aspect—even as it is named here: "pertaining to the lack of."

I should like to point out that that is the deficiency, what is regarded as the purpose of the Committee on Hunger and Malnutrition. I should also like to point out that that does represent a limitation from the previous words which were general and had no such limitation, "to study food, medical, and other related basic needs among the people of the United States."

Mr. AIKEN. Mr. President, we all lack some of the basic necessities or desires of life, but what I want to say is that apparently this has been broadened so much now that it does authorize a committee to study the feasibility or the possibility of setting up a complete, Federal welfare state.

I cannot vote for it, as it is written now. If the Senate sees fit to defeat it, and the committee sees fit to bring it in under the same authority under which the Committee on Nutrition is now operating, I shall be very glad to take another look at it.

I have talked to the Senator from New York. I have talked with others, too, and it is entirely possible that the time has come when the food stamp program should be transferred from the Department of Agriculture, although it has done as good a job as could possibly be done. It has been kept out of politics to the fullest extent. But I am afraid that if it gets into another agency of government, as is apparently desired by many, that we would become more seriously involved in politics and other things.

May I point out one thing that was done in Vermont a year ago. One of the Federal agencies used Government car pools to bring old people, from wherever they could get them, into a community where only a few old people reside. There they held a meeting to castigate and initiate a general attack against the present administration.

As I have said previously today, the OEO administration personnel have shown a great improvement in the past few months. I hope they continue to do so.

Of course, I am not opposed to giving food to anyone who needs it. If 10 percent of the people of this country are in need, that would be 20 million people. That is a lot of people. I am in favor of taking care of them. But we should not give a committee the authority to undertake to remake our Government in that manner.

Mr. JAVITS. I have already dealt with that question.

Mr. AIKEN. I know that the Senator from New York is sincere. He is a neighbor of mine. He has a lot of people affected by this who are in need, more perhaps than in almost any other State. We want to help them. In fact, I would like to get them out of the slums in New York and take them somewhere else, if I had my way. But I do not think that I will have my way—not this year.

Mr. JAVITS. I wish the Senator could help them in some way.

Mr. President, I ask unanimous consent that a statement by the Senator from Kansas (Mr. DOLE) on the subject of continuation of the Select Committee on Nutrition and Human Needs be printed in the RECORD; and also state to the Senate, on request of the Senator from Illinois (Mr. PERCY), that he supports both the extension and the appropriations for this committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOLE OF KANSAS

The Select Committee on Nutrition and Human Needs was established in 1968 to study the full dimensions of hunger, nutritional deficiencies and related aspects of American life. In its few months of operation the Committee has performed a valuable service in investigating, highlighting and clarifying many of the problems and issues in this field.

Although the Committee was established for only one year, a majority of the members have come to feel an additional year's operation is necessary to follow up on the work so far undertaken and to fully explore the areas of its responsibilities.

Both minority and majority members have conducted a thorough review of the Committee's performance and promise and have consulted on the specific activities which might be undertaken over another year.

A sound understanding of our nation's problems and shortcomings is the first step toward effective solution. The Nutrition Committee, working within its jurisdiction on a non-partisan basis, can help provide such understanding.

I join the distinguished Senior Senator from New York in urging support for the continuation of the Select Committee on Nutrition and Human Needs.

Mr. JAVITS. Mr. President, I should like now to yield, if the chairman will permit me, to the Senator from Kentucky (Mr. COOK), then to the Senator from South Carolina (Mr. HOLLINGS).

Mr. COOK. Mr. President, I would first like to say to the distinguished senior Senator from Vermont that as a member of the committee, I at no time felt, nor do I feel now, that a sufficient case has been made to take the food stamp program out of the Department of Agriculture and switch it to any other department. I think that if there are any real basic fears that this is the goal to which this committee is destined, I would like to let the Senator know that I doubt very seriously that that is the case.

I say with all fairness that I have been a member of the U.S. Senate for a little more than a year, and most of that time I was not only a member of the Special Committee on Nutrition and Human Needs, but also a member of the Committee on Agriculture and Forestry. I left that committee to go to the Commerce Committee.

While I was a member of the Select Committee on Nutrition and Human Needs, it held over 44 days of hearings and listened to more than 300 witnesses. We went all over the United States and found what we were looking for, although we wish that we had not found it to the extent that we did.

At no time when I was a member of the Committee on Agriculture and Forestry was there an effort to hold hearings or find out whether this situation existed.

This is the one committee that I have worked the hardest on and been made to work the hardest on. And in all fairness to the Senate and to those who oppose this, and to the Senator from Louisiana and the Senator from Vermont, the Senate did pass a food stamp program. However, it has been bogged down in the House ever since. Neither of the two Senators can say that the bill, as it would have come from the Committee on Agriculture and Forestry and gone to the House, would have been brought from the House committee and brought before the House.

If this were true, all the House had to do was to take the Senate bill as originally proposed and brought it before the House and passed it. So we are arguing about apples and peaches.

Mr. AIKEN. What bill is the House committee reporting? They do not meet on it until tomorrow.

Mr. COOK. The bill the House will come out with will look very little like the one that came from the Senate committee or from the Senate itself.

Mr. AIKEN. That would be helpful.

Mr. COOK. I can only say that by reason of the committee action a bill was passed that the House will not pass. The House committee was not willing to pass the bill as it came to them.

I want to make it very clear that I doubt seriously that the Committee on Agriculture and Forestry of the Senate has studied the report of the White House Conference on Nutrition. And yet no committee in the House or Senate wants to make use of the report of the White House Conference on Nutrition and the detailed studies made by this Committee on Nutrition.

I think that to end the committee now is to say that after the committee has held national hearings and gotten to the point of understanding the matter and has brought industry in to testify and industry has proceeded to do various research work on the matters of nutrition, the committee that is more responsible for the White House Study on Nutrition and Human Needs than any other body of Congress should be terminated and that by reason of the fact that we have had a White House conference and we have gotten a report, the committee work is finished and now is the time to call the committee work to an end.

I might suggest that this is the time the committee should be in existence. I think that for this committee to go out of existence because some Member of the Senate feels it might destroy another committee does not really make sense to me.

Mr. AIKEN. Mr. President, I did not say it would destroy another committee. I said they were attempting to destroy the Department of Agriculture and good programs which have been handled by the Department over the years. The committee will take care of itself under the Senator from Louisiana.

Mr. COOK. Mr. President, as a member of the committee, I would say that it would not be destroyed.

Mr. AIKEN. Mr. President, I think we have some members of the minority on that committee. And that is fortunate.

Mr. JAVITS. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair.) The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, two things have been brought to our attention in this colloquy. One is the concern that we may develop into a welfare State. The other is the concern that we might destroy the Department of Agriculture.

The suggestion is made that somehow we have solved the hunger problem in America.

With respect to the matter of destroying the Department of Agriculture, I point out that I have no greater respect for any Senator than I have for the distinguished Senator from Louisiana, the chairman of that committee, under whom I had the pleasure of working.

I come from an agricultural State. I am interested in the agricultural programs. I voted for the subsidies. I worked with the Senator from Vermont on these programs. I am certainly not going to recommend anything that will destroy the Department of Agriculture through a study committee.

I think there is a slight exaggeration in judgment. I think it is a slight exaggeration in judgment also to say that we will do away with the other systems and start a welfare State, simply because the Select Committee on Nutrition and Human Needs crosses the spectrum of all endeavors; especially, when the administration comes out with a basic family wage and a minimum family allowance.

I feel that we are making tremendous progress in the area of nutrition and human needs. I know that I differ with the views of some of the members of the Select Committee on Nutrition and Human Needs but I believe that we are making real progress. It is like Bossy, the cow, kicking over the pail of milk, when we are getting the program started, Mr. Moynihan starts across his street and kicks it over.

Congress will argue for the next 10 years before it ever adopts such a program. And the problem is that during that 10 years of debate—whether it finally be $1,600 or $3,600—we still will not have the hunger problem solved. The President has not adopted one. We passed a food stamp bill.

As the Senator from Louisiana knows, he started the commodity feeding program. That is one of the best programs we have to work in conjunction with the local administration with local participation. And the hungry and those crying for this particular program have had one particular committee to come to in Congress.

But this great country does not have a program that would solve their plight. Pollution, yes. We provide $11 billion for that. We could not have passed a bill to provide even $1 billion before. But now we get an $11 billion program because everybody can smell it.

They still do not realize the great need involved in this program. We need to have the Senator from Louisiana work with the special committee for at least 1 more year to get the hunger program really established.

This would be the worst time of all to assume that we have a solution.

We still have hunger existing in South Carolina. We are still working on it. I am still trying to use the Beaufort experiment and extend it.

We have the advantage of having the background work and the experience that started first with the late Senator Robert Kennedy and the Senator from South Dakota (Mr. MCGOVERN), the Senator from Louisiana (Mr. ELLENDER), and the Senator from New York (Mr. JAVITS)—all working on that committee, with the committee staff member, Bill Smith. All of us have come to understand the situation. To cut it off now would be an outright tragedy.

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the distinguished chairman of the committee, the Senator from South Dakota (Mr. McGOVERN), could not be present today. I do not propose to deliver a speech on this matter. However, I think the work of the Select Committee on Nutrition and Human Needs, on which I am privileged to serve, has been one of the truly remarkable achievements of the last Congress.

We have, I think, developed more information about hunger in a year than has been developed by all Federal and private agencies in the history of this country.

What we found has shocked this Nation and persuaded President Nixon to declare that hunger is a great national scandal which challenges the basic decency of American society.

Out of the work of this committee was proposed what is known as the McGovern-Javits nutrition bill—a bill which was passed by the Senate overwhelmingly and which is now in the Agricultural Committee of the other body.

In this way and in many other ways, the committee has exposed the disgrace of hunger in our land and has developed data and information necessary to prepare legislation to deal with it. In addition, the committee has shown the broad scope of problems which bear upon the issue of hunger.

I think now is the time to extend this committee along the lines presented so that the committee may have an opportunity to continue its vitally important work.

Mr. President, I urge that the Senate agree to the resolution.

Mr. COOK. Mr. President, I rise in support of Senate Resolution 323 extending the Select Committee on Nutrition and Human Needs for an additional year. The select committee was established in order to study and recommend "coordinated program or programs which would assure every U.S. resident adequate food, medical assistance, and other related basic necessities of life and health." The committee has not had sufficient time to complete its studies or make its recommendations.

As a member of the select committee, I participated in most of its hearings on hunger and malnutrition during the past year. During that year the committee held 44 days of hearings and heard testimony from more than 300 witnesses. It examined the extent and effects of hunger and malnutrition and studied in some detail the operation and administration of our principle Federal food assistance programs—the food stamp program, the commodity distribution program, and the school lunch program. Largely, as a result of the select committee's exposure of the hunger problem and the shortcomings of our past food assistance efforts, the Senate last September passed the most far reaching food reform bill in our history.

Last year at this time, the committee believed that it could complete its mandate in 1 year. It is clear, however, that the committee must have another year's lease on life. Thus far it has focused almost exclusively on problems relating directly to hunger, malnutrition, and the foods processed by private industry. It has not had time to examine nutrition problems as they relate to other basic human needs. It has not completed its study in the field of child nutrition or child feeding programs. It has not had a chance to review the results of the White House Conference on Nutrition which presented to the President and the country more than 500 recommendations relating to food, nutrition, and nutritional health. It is absolutely essential that there be a congressional mechanism to review these recommendations to oversee their implementation and to suggest new programs and legislation.

While other committees have legislative responsibility for various aspects of the hunger and malnutrition problem, only the select committee has a mandate which is broad enough to put these problems in perspective. The select committee is particularly suited to perform the kind of oversight of Federal food assistance programs which the Congress must exercise to assure the end to hunger in America.

The extension of the select committee for an additional year is supported by every member of the minority on the committee. I join with my colleagues, Senator JAVITS, Senator PERCY, Senator DOLE, and Senator DOMINICK in full support of Senate Resolution 323.

Mr. SCOTT. Mr. President, the Select Committee on Nutrition and Human Needs was established to conduct a 1-year investigation of hunger and to recommend some solutions. The committee has been working toward those ends for 13 months and is now requesting an additional year to complete the penetrating investigation it has begun. I cosponsored and strongly supported the original legislation creating this committee and now strongly endorse its extension for 1 year.

The hearings held by the Select Committee on Nutrition and Human Needs focus public attention on this great problem and the data already gathered has influenced such legislation as the Food Stamp Amendments of 1969 and the welfare reform legislation and others.

However, the select committee has not had enough time to complete its work. In its interim report of last August, the select committee indicated plans to examine, evaluate, and make recommendations in the areas of family food assistance, child nutrition, nutrition education, nutrition-related research, nutrition and the delivery of health care, nutrition and farm policy, and much more.

Equally important, however, is the committee's desire to review the recommendations of the White House Conference on Food, Nutrition, and Health held just 2 months ago, December 2–4, 1969. There has not been enough time for the select committee to study the many recommendations which this conference produced.

As a member of the Committee on Rules and Administration, which is at present considering Senate Resolution 323, to extend the select committee for an additional year, I state my wholehearted support of this legislation and extension.

Mr. JAVITS. Mr. President, I think we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 323). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii, (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from

South Dakota (Mr. MUNDT), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Wyoming would vote "nay."

The result was announced—yeas 47, nays 12, as follows:

[No. 40 Leg.]

YEAS—47

Baker	Hartke	Packwood
Bayh	Hatfield	Pastore
Bellmon	Hollings	Pell
Bennett	Hruska	Prouty
Boggs	Inouye	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, N.C.	Schweiker
Case	Jordan, Idaho	Scott
Church	Mathias	Sparkman
Cook	McGee	Symington
Cooper	McIntyre	Thurmond
Cotton	Mondale	Tydings
Eagleton	Moss	Yarborough
Griffin	Murphy	Young, Ohio
Hart	Nelson	

NAYS—12

Aiken	Ellender	Long
Allen	Ervin	Miller
Allott	Goldwater	Stennis
Eastland	Holland	Williams, Del.

NOT VOTING—41

Anderson	Gravel	Muskie
Bible	Gurney	Pearson
Brooke	Hansen	Percy
Burdick	Harris	Ribicoff
Cranston	Hughes	Russell
Curtis	Kennedy	Smith, Ill.
Dodd	Magnuson	Smith, Maine
Dole	Mansfield	Spong
Dominick	McCarthy	Stevens
Fannin	McClellan	Talmadge
Fong	McGovern	Tower
Fulbright	Metcalf	Williams, N.J.
Goodell	Montoya	Young, N. Dak.
Gore	Mundt	

So the resolution (S. Res. 323) was agreed to, as follows:

S. RES. 323

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1971.

SEC. 2. It shall be the duty of such committee to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to, such matters as (a) the extent and cause of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition, (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food, (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American, (d) the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

SEC. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

SEC. 4. The expenses of the committee, which shall not exceed $246,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The title was amended so as to read: "Resolution continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs."

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 3443—INTRODUCTION OF THE HEALTH SERVICES IMPROVEMENT ACT OF 1970

Mr. JAVITS. Mr. President, I am pleased to introduce today on behalf of myself and Senators PROUTY, MURPHY, DOMINICK, SCOTT, SAXBE, BROOKE, GOODELL, and SCHWEIKER, the administration's bill entitled the "Health Services Improvement Act of 1970."

We face a burgeoning health crisis which threatens to deny adequate care to growing numbers of Americans and to obstruct the progress of plans of expanding medical services to the disadvantaged in urban and rural areas. I view this legislation as an essential initiative for improving the Department of Health, Education, and Welfare's health programs to meet the urgent need for improved health care for the Nation and for improvements in the coordination of health programs.

The legislation would aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level; promoting research and demonstrations relating to health care delivery; encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems; enlarging the scope of the national health survey; facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes.

It is the purpose of this bill to assist us in our efforts to improve the systems through which health care is provided in our Nation. In keeping with the developing health strategy of the Department of Health, Education, and Welfare, existing resources and programs would be focused more intensively on the building of functioning, effective, consumer-oriented health care systems.

To make it possible for the Federal Government to step up the pace of action—in concert with the States and local public and private agencies—toward functioning, effective consumer-oriented health care delivery systems, this bill would:

First, extend, improve, and integrate three key programs aimed at improving the organization and delivery of health services—the comprehensive health planning and services program, the regional medical programs, and the national center for health services research and development—by placing them in a single title in the Public Health Service Act, giving them a common statement of purpose, a single advisory council, and a single annual report on their progress toward health care system building.

Second, promote the establishment of more efficient and effective health service systems, and promote the coordination of programs under this and other titles of this act with related activities authorized under the Social Security Act and other Federal and federally-assisted health and health-related programs, with particular attention to the relationship between the organization and delivery of health services and the financing thereof.

Third, provide authority for intensive experiments and demonstrations in selected States, regions, and localities which are to be designed to stimulate and assist the development of health care systems which might be used elsewhere in the Nation. These experiments and demonstrations, to be conducted jointly by State, regional, and local regional medical programs, and comprehensive health planning agencies will also be designed to develop the best methods for coordinating and interrelating these and related programs toward improved systems of health services at the local level, which give a greater return on our health dollars.

Fourth, provide new authority for the initial steps in the development of a Federal-State-local system of health information and statistics which is a necessary resource for effective planning and operation of improved health systems.

I am convinced that this legislative proposal is an important first step in the establishment of an organized, coordinated, and total health care system—a system which emphasizes delivery and accessibility to every person in need.

The Health Subcommittee, of the Committee on Labor and Public Welfare, of which I am ranking minority member, will begin hearings tomorrow on regional medical program legislation, authored by the Senator from Texas (Mr. YARBOROUGH), chairman of the Health Subcom-

mittee and of the full committee. I am hopeful that under the chairman's able leadership, the committee will seek to conserve and protect the gains made toward the goal of improved organization and delivery of health care by the regional medical program, the comprehensive health planning and services program, and other health programs. I am confident that the Committee on Labor and Public Welfare—as always—will work together in a bipartisan effort to provide constructive, meaningful, comprehensive health legislation, and under our chairman's guidance, focus our resources so that they complement and support one another in developing, through the regional medical program and comprehensive health planning, more effective health care systems.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3443) to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATURE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

WITHDRAWAL OF AMENDMENT

Mr. BYRD of West Virginia. Mr. President, on Friday, February 6, I called up, in behalf of the Senator from Mississippi (Mr. STENNIS) his amendment No. 481. I now withdraw that amendment.

Mr. STENNIS. Mr. President, what is the pending matter now before the Senate?

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 463

Mr. STENNIS. Mr. President, I call up my amendment No. 463.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Mississippi (Mr. STENNIS) proposes an amendment (No. 463) as follows:

On page 45, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Mr. STENNIS. Mr. President, I understand a substitute will be offered by the Senator from Minnesota (Mr. MONDALE). I call this amendment up now, though, as a matter of getting it before the Senate, so that it will be noted.

The Senator from West Virginia is correct in stating that he had called up amendment No. 481 last week, but that was with my knowledge and consent. Amendment No. 463 is the amendment I now wish to offer, and it is the one to which the Senator from Minnesota has an amendment in the nature of a substitute, as I understand. The Senator has a question about its germaneness.

I do not care to debate the matter tonight, but I did want to get it set.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JAVITS. As I understand, the unanimous-consent agreement applies beginning tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So the 2-hour limitation would apply to this amendment, but not until tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Therefore, time used tonight will not be charged?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. That is a good point. I am glad the Senator brought it up.

Mr. President, to this amendment (No. 463) which I have called up, I ask unanimous consent to have added as cosponsors the names of the Senators who cosponsored my amendment No. 481; namely, Mr. RUSSELL, Mr. HOLLINGS, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, and Mr. LONG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask that amendment No. 463, with the additional names thereon, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 463

(Amendment intended to be proposed by Mr. STENNIS (for himself, Mr. HOLLINGS, Mr. RUSSELL, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, and Mr. LONG) to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.)

On page 45, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield the floor?

Mr. STENNIS. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina had previously requested recognition.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request only, with the understanding that the Senator will not lose his right to the floor?

Mr. THURMOND. Mr. President, I am pleased to yield.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, immediately prior to the further consideration of H.R. 514.

Mr. JAVITS. Mr. President, will the Senator limit, within the 30 minutes, how many minutes any Senator may have?

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that during the transaction of routine morning business tomorrow, statements made therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (House Resolution 514)

to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. HOLLAND. Mr. President. will the Senator yield for a parliamentary inquiry?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, not understanding completely what is intended by the unanimous-consent agreement that goes into effect tomorrow morning, I address this inquiry to the distinguished Presiding Officer: When the substitute amendment is called up, as I understand it will be called up, to the amendment offered by the Senator from Mississippi, does the time on the substitute come out of the time for the debate on the amendment of the Senator from Mississippi, or does it have time of its own?

The PRESIDING OFFICER. It would not be in order to offer the substitute until the time on the amendment offered by the Senator from Mississippi has expired.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. The substitute will be debatable for 2 hours.

Mr. STENNIS. Mr. President, while we are on this matter——

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I note that the printed form of the unanimous-consent agreement said 5 hours of debate on the bill. I distinctly recall that when we covered the matters of substitutes and amendments to amendments, it was said that we would have 6 hours on the bill. Does the Senator from New York recall that?

Mr. JAVITS. I think it was I who mentioned it.

Mr. STENNIS. The Senator from New York did bring it up.

Mr. JAVITS. As a matter of fact, we did not do it. I see no reason why not.

I would suggest to the Senator, in view of the majority leader's absence—and it was sort of his baby—that we wait until he arrives tomorrow. Then, if the Senator feels he wants another hour, I will not object.

Mr. PELL. My recollection is very much along the same line.

Mr. STENNIS. I thank the Senator for yielding, and I will wait until tomorrow to put that before the Senate.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Minnesota for an insertion in the RECORD.

AMENDMENT NO. 497

Mr. MONDALE. I thank the Senator for yielding.

Mr. President, last Tuesday I submitted an amendment to H.R. 514, the Elementary and Secondary Education Amendments of 1969, along with the distinguished Senator from New York (Mr. JAVITS). The amendment, No. 490, was printed. I have since modified the amendment and send it now to the desk so that it may be reprinted as modified.

I ask unanimous content that the amendment be considered germane, notwithstanding the order of February 10, 1970. I have discussed this matter with the Senator from Mississippi, and I understand that he has no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment, No. 497, is as follows:

In lieu of the language proposed (in amendment No. 463) to be inserted by the Senator from Mississippi (Mr. STENNIS), and others on page 45, between lines 4 and 5, insert the following:

"EQUALITY OF EDUCATIONAL OPPORTUNITY

"There is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the cause or origin of such segregation."

"(b) For the purposes of this section the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

"(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

"(d) the matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time."

THE SAVANNAH RIVER PROJECT AND CALIFORNIUM-252

Mr. THURMOND. Mr. President, it is with a great deal of pride that I rise to inform the Senate of an exciting development in the area of isotope research and the part being played by the Savannah River project in my home county of Aiken, S.C.

The element Californium was first produced and identified by Dr. Glen Seaborg and others in February 1950 at the University of California at Berkeley. On November 1, 1952, a thermonuclear test explosion in the Pacific produced minute amounts of an isotope known as Californium-252, and during the years 1952–58 scientists of the Berkeley Radiation Laboratory were able to produce weighable amounts of this isotope. Initial efforts to produce substantial amounts of Californium-252 began on October 24, 1957, when Dr. Seaborg, then chancellor of the University of California at Berkeley, wrote the Chairman of the Atomic Energy Commission about the need and means to continue such a program.

Mr. President, the adjective I have heard and read most often in connection with this chemical element is "unique." Since an explanation of the scientific characteristics and properties of this amazing material is necessarily somewhat esoteric and highly technical, I will not go into it here except to say this: Californium is the only known radioisotope which gives off an intense stream of neutrons for a reasonable period of time from small sources. While this alone means very little to most of us, Mr. President, a brief look at only a few of the many possibilities being considered for this isotope will be illuminating.

In the general area of medicine and medical research, the uses of Californium-252 seem practically boundless, but I am particularly excited about its potential in the fight against cancer. Because of the unique properties of Californium, it promises to be a much more efficient method of radiotherapy. The radiologists could implant this tiny but intense source of neutrons in the cancerous area and thus a highly localized dose of radiation could be provided. Even for the layman, it is easy to see that this would be far more effective than the present method of exposing a patient to an external flood of neutrons from a reactor.

Californium should also be an excellent tool for the diagnostician. Particularly gratifying in this area is the possibility of vastly improved tests for suspected cases of cystic fibrosis.

Mr. President, industry is also toying with the potentialities presented by Californium-252. Ideas being considered and tested include: Continuous, on-line testing of bulk material in industrial processes, techniques of determining moisture in wood and concrete, mineral exploration, petroleum exploration, and calibration of instruments.

Mr. President, the projected uses of this new isotope are virtually limitless. It has further possibilities in the areas of

space exploration, scientific research, engineering, and agriculture, and these are only the beginning.

Mr. President, the method by which the market potential of Californium-252 is being evaluated and developed should be mentioned here. The Federal Government is working hand-in-hand with private enterprise on this project, and the result is a program which promises eventually to be self-supporting and nondependent on the Federal budget for its operation. This is where the Savannah River project comes in. This atomic energy facility just outside of Aiken, S.C., produces Californium in quantities sufficient to provide samples to qualified private and corporate researchers for evaluation as to applicability to their particular fields.

Savannah River project plays an important role in the future of Californium, since it is only there that this material can be mass produced. There is no other atomic facility anywhere in this country, Mr. President, that has the equipment necessary to turn out this new isotope in the quantities which, it is anticipated, will be needed and can be utilized.

The AEC market evaluation program has been very successful thus far in determining generally how much Californium will be needed in future years. The samples are provided by the Savannah River plant to potential consumers free of charge. They in turn bear all costs of research and evaluation. In addition, they must file regular reports with AEC as to their findings. These reports are published in trade journals and periodical progress reports by the AEC, thus stimulating further interest in Californium.

When one group is through working with its sample, the material is returned to the Atomic Energy Commission for redistribution to other interested parties. We can see, therefore, that cooperation on the part of private groups has relieved the Federal Government of the prohibitive costs which both development and research would entail.

Mr. President, I would like to commend the various officials of the AEC who conceived of this efficient and economical method of developing the market potential of Californium-252, as well as the many private groups cooperating in the program. I would particularly like to mention Mr. Nathaniel Stetson, manager of the operations office, Savannah River project, for his efforts in this program; and, of course, Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, whose technical and administrative talents have been so vital to its success.

Once again, I am proud of the important part being played by the Savannah River project in the development of this exciting discovery. It appears that Californium will have a beneficial impact on many facets of our lives, and its uses will be limited only by the bounds of man's imagination.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, may I ask the distinguished Presiding Officer, for the information of the Senate, just what the pending business is before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 514, the Elementary and Secondary Education Act and the pending question is on the amendment No. 463 offered by the junior Senator from Mississippi (Mr. STENNIS).

Mr. BYRD of West Virginia. I thank the Chair.

ADJOURNMENT UNTIL 10:30 A.M., TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 17, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 16, 1970:

AMBASSADOR

Stuart W. Rockwell, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

CIRCUIT JUDGE

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia Circuit, vice Warren E. Burger, elevated.

U.S. MARSHAL

John A. Birknes, Jr., of Massachusetts to be U.S. marshal for the district of Massachusetts for the term of 4 years, vice Albert A. Gammal, resigned.

DEPUTY ASSISTANT SECRETARY OF DEFENSE

Theodore C. Marrs, of Alabama, to be Deputy Assistant Secretary of Defense for Reserve Affairs, vice Ernest Louis Massad, resigned.

U.S. ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

Te be brigadier general

Col. Charles P. Deane, SSAN [redacted], Infantry.

Col. Herbert M. Martin, Jr., SSAN [redacted] Artillery.

Col. John A. Spencer, Jr., SSAN [redacted] Quartermaster Corps.

Col. Donald W. Stout, SSAN [redacted], Quartermaster Corps.

The Army National Guard of the U.S. officer named herein for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Keith E. McWilliams, SSAN [redacted] Infantry.

The Army National Guard of the U.S. officers named herein for appointment as Reserved commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. James J. Lison, Jr., SSAN [redacted] Adjutant General's Corps.

Brig. Gen. Harold R. Patton, SSAN [redacted] Adjutant General's Corps.

To be brigadier general

Col. Howard V. Elliott, SSAN [redacted], Corps of Engineers.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Abbott, Arlo E., [redacted]
Achee, Fernand M., Jr., [redacted]
Adams, Carroll E., Jr., [redacted]
Adkins, Walter R., Jr., [redacted]
Adkisson, George O., [redacted]
Allen, George R., Jr., [redacted]
Allen, Norman F. J., [redacted]
Allen, Walter G., [redacted]
Amos, Harry O., Jr., [redacted]
Argo, Reamer W., Jr., [redacted]
Armstrong, David U., [redacted]
Arnold, Archibald V., [redacted]
Baer, Malcolm R., [redacted]
Bagot, Alfred W., [redacted]
Bahr, Herman J., [redacted]
Baker, Claude W., [redacted]
Barnes, William L., [redacted]
Barrett, James E., [redacted]
Baughman, Claude G., [redacted]
Belmont, Alexander, [redacted]
Benner, John S., Jr., [redacted]
Bennet, John B., Jr., [redacted]
Bennett, John C., [redacted]
Benson, George C., [redacted]
Berry, George A., Jr., [redacted]
Bezich, Vincent W., [redacted]
Biersack, Christian, [redacted]
Bingham, Robert H., [redacted]
Blair, Wayne A., [redacted]
Boberg, Richard W. P., [redacted]
Boiler, William F., [redacted]
Boughn, Robert E., [redacted]
Bowles, Alvin H., [redacted]
Boyles, Wilson N., Jr., [redacted]
Branham, Milton G., [redacted]
Braucher, Ernest P., [redacted]
Braun, William F., [redacted]
Brigandi, Joseph, [redacted]
Brigham, Erwin R., [redacted]
Briscoe, John J., [redacted]
Broughton, Levin B., [redacted]
Brouse, Marion D., [redacted]
Brown, John W., Jr., [redacted]
Brownell, James R. J., [redacted]
Bugg, George G., [redacted]
Burke, John H., [redacted]
Burke, John T., [redacted]
Burnell, Bates C., [redacted]
Bush, George M., [redacted]
Butler, Olva B., [redacted]
Caffey, Lochlin W., [redacted]
Calhoun, James R., [redacted]
Callahan, Patrick O., [redacted]
Carley, John T., Jr., [redacted]
Carpenter, Jay D., [redacted]
Carrington, George, [redacted]
Carter, Charles F. J., [redacted]
Carter, Colin M., Jr., [redacted]
Carter, Douglas H., [redacted]
Case, Francis R., [redacted]
Casey, George W., [redacted]
Cavanna, Augustus R., [redacted]
Chalupsky, Fred A., [redacted]
Chapman, Curtis W. J., [redacted]
Chessnoe, Michael, [redacted]
Chidlaw, Richard A., [redacted]
Christiansen, James, [redacted]
Clark, Clyde O., [redacted]
Clark, John L., Jr., [redacted]
Clark, William K., [redacted]
Cloutier, Francis M., [redacted]
Coady, Gerald G., [redacted]
Cole, Philip J., [redacted]
Compton, Jack E., [redacted]
Connell, George W. J., [redacted]
Conyne, Albert H., [redacted]
Cook, Bruce K., [redacted]
Corcoran, Edward W., [redacted]
Crane, Richard C., [redacted]
Cross, Richard E., [redacted]
Cumming, James L., [redacted]

Cunningham, James E. xxx-xx-xxxx
Curry, Jack A., xxx-xx-xxxx
Curtis, Charles H. xxx-xx-xxxx
Dalton, Joseph R. xxx-xx-xxxx
Daskevich, Anthony xxx-xx-xxxx
Day, Stephen A., xxx-xx-xxxx
Delaney, Edward J., xxx-xx-xxxx
Denz, Ernest John xxx-xx-xxxx
Dexter, George E., xxx-xx-xxxx
Dieleman, William K., xxx-xx-xxxx
Dingeman, Robert E. xxx-xx-xxxx
Dolson, Richard H. S. xxx-xx-xxxx
Dort, Dean R. xxx-xx-xxxx
Dover, Donovan C., xxx-xx-xxxx
Downing, John P., Jr. xxx-xx-xxxx
Drake, Oscar, xxx-xx-xxxx
Drake, Thomas D., II xxx-xx-xxxx
Driscoll, James A., xxx-xx-xxxx
Drozd, Walter M., xxx-xx-xxxx
Drumright, William xxx-xx-xxxx
Dubois, Keith F. xxx-xx-xxxx
Ducote, Richard J. J. xxx-xx-xxxx
Dunbar, Philip H., Jr. xxx-xx-xxxx
Dunn, John F. xxx-xx-xxxx
Duvall, Duncan E. xxx-xx-xxxx
Eggleston, Edmond O. xxx-xx-xxxx
Eliasson, Arne H., xxx-xx-xxxx
Evans, Vaughn G. xxx-xx-xxxx
Fair, Leland B. xxx-xx-xxxx
Farley, Roy W., xxx-xx-xxxx
Farrell, William J. xxx-xx-xxxx
Feild, Terry T., xxx-xx-xxxx
Ferguson, Ernest S. xxx-xx-xxxx
Fields, Hampson H. xxx-xx-xxxx
Fink, David, xxx-xx-xxxx
Fischer, Kenneth P. xxx-xx-xxxx
Fish, Charles R. xxx-xx-xxxx
Fitzpatrick, Thomas xxx-xx-xxxx
Fletcher, Earl W. xxx-xx-xxxx
Flint, Glenwood W. xxx-xx-xxxx
Forbes, John M. xxx-xx-xxxx
Fowler, Delbert M. xxx-xx-xxxx
Fowler, Donald E., xxx-xx-xxxx
Franks, Glenn E. xxx-xx-xxxx
Friar, Clyde L., xxx-xx-xxxx
Frock, Charles F., xxx-xx-xxxx
Furth, Norman J. xxx-xx-xxxx
Fye, Robert W., xxx-xx-xxxx
Gaddis, Hubert D. xxx-xx-xxxx
Gatsis, Andrew J., xxx-xx-xxxx
Gaunt, John M. xxx-xx-xxxx
Geer, John C. xxx-xx-xxxx
Gelini, Walter C. xxx-xx-xxxx
Giaccio, Albert P., xxx-xx-xxxx
Gilland, James W. xxx-xx-xxxx
Gilligan, John M. xxx-xx-xxxx
Gioe, Joseph F. xxx-xx-xxxx
Goldes, Joseph A., xxx-xx-xxxx
Gollston, Lawrence L., xxx-xx-xxxx
Goodwin, Guy R., Jr. xxx-xx-xxxx
Gorder, Charles R. xxx-xx-xxxx
Gorler, Howard W. xxx-xx-xxxx
Greer, Charles F., xxx-xx-xxxx
Greer, Henry B., xxx-xx-xxxx
Gregg, George F., xxx-xx-xxxx
Gregorie James B. J. xxx-xx-xxxx
Grimm, Charles C. xxx-xx-xxxx
Gritz, Sidney, xxx-xx-xxxx
Groves, Richard H., xxx-xx-xxxx
Gudgel, Edward F., Jr. xxx-xx-xxxx
Gustafson, Carl W. xxx-xx-xxxx
Gustafson, Melvin E. xxx-xx-xxxx
Guthrie, William R. xxx-xx-xxxx
Hagopian, Jacob, xxx-xx-xxxx
Hales, William M., Jr. xxx-xx-xxxx
Hall, Robert M. xxx-xx-xxxx
Hamilton, Claud S. xxx-xx-xxxx
Hamilton, Joseph, Jr. xxx-xx-xxxx
Hamilton, William H. xxx-xx-xxxx
Hanket, Arthur P. xxx-xx-xxxx
Hankins, William B. xxx-xx-xxxx
Hardin, Ernest L., Jr. xxx-xx-xxxx
Harris, Charles E., xxx-xx-xxxx
Hartline, Richard S. xxx-xx-xxxx
Hayden, James L. xxx-xx-xxxx
Hayes, Robert E., xxx-xx-xxxx
Haymaker, Gerald L., xxx-xx-xxxx
Healey, William R., xxx-xx-xxxx
Heilbronner, Edmund xxx-xx-xxxx
Heimerl, Laurence L., xxx-xx-xxxx
Helterbran, David J. xxx-xx-xxxx
Herbert, James A., xxx-xx-xxxx
Hermann, Richard M. xxx-xx-xxxx
Herring, William A., xxx-xx-xxxx
Hesse, Richard J., xxx-xx-xxxx
Heyman, James J. xxx-xx-xxxx
Hillman, Rolfe L. Jr. xxx-xx-xxxx
Hinrichs, Frank A. xxx-xx-xxxx
Hoffman, Joseph H. J. xxx-xx-xxxx
Hoge, George F. xxx-xx-xxxx
Holcombe, William H., xxx-xx-xxxx
Holland Paul R., Jr. xxx-xx-xxxx
Home, William M., xxx-xx-xxxx
Hopkins, Paul E., xxx-xx-xxxx
Hughes, Joseph D. xxx-xx-xxxx
Hunsaker, James D xxx-xx-xxxx
Hunt, Ira A., Jr. xxx-xx-xxxx
Hunt, Wheeler H. xxx-xx-xxxx
Hutcheson, Henry E. xxx-xx-xxxx
Hutson, Lowell R., xxx-xx-xxxx
Imobersteg, Neil, xxx-xx-xxxx
Isenson, Raymond S. xxx-xx-xxxx
Ives, Robert N., xxx-xx-xxxx
Jackson, Charles A., xxx-xx-xxxx
Jacobs, Harold J. xxx-xx-xxxx
James, William H., xxx-xx-xxxx
Jeffries, John H. xxx-xx-xxxx
Jensen, Alvin C., xxx-xx-xxxx
Johnson, Charles S. xxx-xx-xxxx
Johnson, Elliott M. xxx-xx-xxxx
Johnson, Richard H. xxx-xx-xxxx
Johnson, Woodbury xxx-xx-xxxx
Jones, George S., III xxx-xx-xxxx
Jones, James B. xxx-xx-xxxx
Jones, Lawrence M. J., xxx-xx-xxxx
Jones, William C., xxx-xx-xxxx
Kane, Francis B., Jr. xxx-xx-xxxx
Karhohs, Fred E. xxx-xx-xxxx
Kearins, Patrick F. xxx-xx-xxxx
Kearns, Thomas C. xxx-xx-xxxx
Kelley, Peter Ed. xxx-xx-xxxx
Kelly, Henry E., Jr. xxx-xx-xxxx
Kennedy, John L., Jr. xxx-xx-xxxx
Kent, Irvin M. xxx-xx-xxxx
Kerker, Edward L., xxx-xx-xxxx
Knight, Albion W., Jr. xxx-xx-xxxx
Kochel, Kenneth G. xxx-xx-xxxx
Koehl, Leonard H., xxx-xx-xxxx
Kovar, Wilbert J. xxx-xx-xxxx
Kramer, William W. xxx-xx-xxxx
Kratz, William G., xxx-xx-xxxx
Krebs, Robert G., xxx-xx-xxxx
Kristoferson, Ralph xxx-xx-xxxx
Kunkel, Laurence J. xxx-xx-xxxx
La Boon, Frank A., xxx-xx-xxxx
Lathrop, Robert M. xxx-xx-xxxx
Lehman, Raimon W. xxx-xx-xxxx
Lehman, Raymond G. J., xxx-xx-xxxx
Lester, Loren R., xxx-xx-xxxx
Lewis, Robert W., xxx-xx-xxxx
Lindell, Kermit O. xxx-xx-xxxx
Lockhart, Albert E. xxx-xx-xxxx
Lohn, Houghton, xxx-xx-xxxx
Long, William F., Jr. xxx-xx-xxxx
Love, William J., xxx-xx-xxxx
Lovell, William F., xxx-xx-xxxx
MacFarlane, Jack, xxx-xx-xxxx
MacPherson, Willia, xxx-xx-xxxx
MacKinnon, Robert N., xxx-xx-xxxx
Maeder, Richard H., xxx-xx-xxxx
Maertens, Thomas B., xxx-xx-xxxx
Maier, Harold E., xxx-xx-xxxx
Manitsas, Nikitas C., xxx-xx-xxxx
Marriott, Thomas E. xxx-xx-xxxx
Marsett, Robert C., xxx-xx-xxxx
Martin, Orville W. J., xxx-xx-xxxx
Mathews, Charles B., xxx-xx-xxxx
McAlister, Robert, xxx-xx-xxxx
McBride, Robert W., xxx-xx-xxxx
McCain, John W., xxx-xx-xxxx
McCarthy, Joseph E., xxx-xx-xxxx
McChrystal, Herber, xxx-xx-xxxx
McClain, John W., xxx-xx-xxxx
McCluskey, Joseph, xxx-xx-xxxx
McConnell, Richard, xxx-xx-xxxx
McCulloch, John J. xxx-xx-xxxx
McCunniff, Thomas, xxx-xx-xxxx
McDaniel, Robert L., xxx-xx-xxxx
McDonald, Joy A., xxx-xx-xxxx
McDonald, Thomas J., xxx-xx-xxxx
McDonough, Joseph, xxx-xx-xxxx
McFadden, John J. xxx-xx-xxxx
McGovern, Russell, xxxx
McGuinness, Willia, xxx-xx-xxxx
McKinney, John B., xxx-xx-xxxx
McLaughlin, George, xxx-xx-xxxx
McMurdo, Strathmor xxx-xx-xxxx
McQuarrie, Claude, xxx-xx-xxxx
Melanson, Joseph E., xxx-xx-xxxx
Mertel, Kenneth D. xxx-xx-xxxx
Michau, Herbert J. xxx-xx-xxxx
Miles, James S., xxx-xx-xxxx
Miles, Richard C., xxx-xx-xxxx
Millar, Donald B., xxx-xx-xxxx
Miller, Francis D., xxx-xx-xxxx
Miller, Hubert G., xxx-xx-xxxx
Miller, Judson F., xxx-xx-xxxx
Miller, Raymond O. xxx-xx-xxxx
Monaghan, John T. xxx-xx-xxxx
Monroe, Ernest M., Jr., xxx-xx-xxxx
Moore, Carl G., xxx-xx-xxxx
Moore, Harold G., Jr., xxx-xx-xxxx
Moriarty, Richard L., xxx-xx-xxxx
Morris, James W., xxx-xx-xxxx
Mort, Thomas A., xxx-xx-xxxx
Mosgrove, George G., xxx-xx-xxxx
Munson, James A., xxx-xx-xxxx
Murphy, James M., xxx-xx-xxxx
Murphy Maxwell C. J., xxx-xx-xxxx
Musgrave, Thomas C., xxx-xx-xxxx
Musser, Robert H. xxx-xx-xxxx
Myers, Chester L., xxx-xx-xxxx
Myron, John F. xxx-xx-xxxx
Nacy, John D., xxx-xx-xxxx
Neff, John H., xxx-xx-xxxx
Nelson, Donald T., Jr., xxx-xx-xxxx
Nemky, Milton M., xxx-xx-xxxx
Nerdahl, Carl B., xxx-xx-xxxx
Newman, Vernon H., xxx-xx-xxxx
Nichols, Thomas J., xxx-xx-xxxx
Nichols, William M., xxx-xx-xxxx
Noahson, Coleman, xxx-xx-xxxx
Nusbaum, Keith C., xxx-xx-xxxx
O'Brien, James H., Jr., xxx-xx-xxxx
Ochs, William V., Jr., xxx-xx-xxxx
O'Connor, Charles D., xxx-xx-xxxx
Olenchuk, Peter G., xxx-xx-xxxx
Olson, Clifford A., xxx-xx-xxxx
Ormond, Merle F., xxx-xx-xxxx
Ortiz-Moreno, Orlan, xxx-xx-xxxx
Ost, Lincoln E., xxx-xx-xxxx
Oswell, Gorman S., xxx-xx-xxxx
Pannell, Napoleon B., xxx-xx-xxxx
Parker, Fred C., III, xxx-xx-xxxx
Parr, Robert J., xxx-xx-xxxx
Patchell, James K., xxx-xx-xxxx
Patrick, John W., Jr., xxx-xx-xxxx
Peck, James M., xxx-xx-xxxx
Pennington, William xxx-xx-xxxx
Petrone, Joseph C. J., xxx-xx-xxxx
Pheiffer, John V., xxx-xx-xxxx
Phillips, Warren B., xxx-xx-xxxx
Pilant, Joseph L. xxx-xx-xxxx
Pinkey, Vernon W., xxx-xx-xxxx
Post, Everett O. xxx-xx-xxxx
Post, Jack H., xxx-xx-xxxx
Powers, John J., Jr. xxx-xx-xxxx
Powers, Patrick W., xxx-xx-xxxx
Prater, Robert M., xxx-xx-xxxx
Pratt, Randall U. xxx-xx-xxxx
Preble, Charles E. J., xxx-xx-xxxx
Prescott, Daniel C., xxx-xx-xxxx
Price, James F., xxx-xx-xxxx
Proctor, William D., xxx-xx-xxxx
Pruett, Lloyd O. xxx-xx-xxxx
Puleo, Albert, xxx-xx-xxxx
Rakas, Albert S., xxx-xx-xxxx
Rattan, Donald V., xxx-xx-xxxx
Rhett, John T., Jr. xxx-xx-xxxx
Rheuark, George D., xxx-xx-xxxx
Richter, Arley C., xxx-xx-xxxx
Riddler, Garth A., Jr., xxx-xx-xxxx
Rieger, Gordon J., xxx-xx-xxxx
Rinearson, Abram V., xxx-xx-xxxx
Ringler, Arthur H., xxx-xx-xxxx
Rippey, George E., xxx-xx-xxxx
Robinson, Gerald E., xxx-xx-xxxx
Rochefort, Joseph J. xxx-xx-xxxx
Rock, Warren V., xxx-xx-xxxx
Rogers, Wilfred L., xxx-xx-xxxx
Root, James T., xxx-xx-xxxx
Root, Walter H., Jr. xxx-xx-xxxx
Russo, Joseph, xxx-xx-xxxx

Sadler, John F., Jr. xxx-xx-xxxx
Salter, Sylvan E. xxx-xx-xxxx
Samuell, Edward W. J. xxx-xx-xxxx
Santangelo, Francis xxx-xx-xxxx
Sawyer, Bickford E. xxx-xx-xxxx
Saxby, Edward S. xxx-xx-xxxx
Scales, Robert H. xxx-xx-xxxx
Schalbrack, Andrew xxx-xx-xxxx
Schelter, Louis J. J. xxx-xx-xxxx
Sheppard, Albert D. xxx-xx-xxxx
Siegrist, Robert H. xxx-xx-xxxx
Simmet, Kenneth D. xxx-xx-xxxx
Skelley, James L. xxx-xx-xxxx
Skidmore, William F. xxx-xx-xxxx
Smith, Erskine xxx-xx-xxxx
Smith, Gerald A. xxx-xx-xxxx
Smith, Robert S., Jr. xxx-xx-xxxx
Sniffin, Charles R. xxx-xx-xxxx
Snyder, Harry A. xxx-xx-xxxx
Spragins, Charles E. xxx-xx-xxxx
Sprinkle, Homer R. xxx-xx-xxxx
Starke, William S. J. xxx-xx-xxxx
Stewart, William G. xxx-xx-xxxx
Stovall, Thomas L. xxx-xx-xxxx
Strelecki, Joseph L. xxx-xx-xxxx
Strever, John E., Jr. xxx-xx-xxxx
Sullivan, Sardis M. xxx-xx-xxxx
Sumner, Gordon, Jr. xxx-xx-xxxx
Sundby, Selmer A. xxx-xx-xxxx
Swanson, Arthur V. xxx-xx-xxxx
Tasker, Clayton B. xxx-xx-xxxx
Tassey, George, xxx-xx-xxxx
Taylor, William W. xxx-xx-xxxx
Thomas, David H. xxx-xx-xxxx
Tierno, Ralph T., Jr. xxx-xx-xxxx
Trefz, William C. xxx-xx-xxxx
Truby, John O. xxx-xx-xxxx
Trumps, Shirly R. xxx-xx-xxxx
Truscott, Lucian K. xxx-xx-xxxx
Tuttle, William B. J. xxx-xx-xxxx
Uhland, Herbert W. xxx-xx-xxxx
Van Buskirk, Lawren xxx-xx-xxxx
Van Cleve, Joseph C. xxx-xx-xxxx
Van Hout, Harold A. xxx-xx-xxxx
Vance, Daniel, Jr. xxx-xx-xxxx
Vinet, William C., Jr. xxx-xx-xxxx
Viney, George C. xxx-xx-xxxx
Vinson, Wilbur H., Jr. xxx-xx-xxxx
Vitullo, Anthony J. xxx-xx-xxxx
Walker, Joseph, Jr. xxx-xx-xxxx
Walker,William A. J. xxx-xx-xxxx
Wallace, George M. I. xxx-xx-xxxx
Walace, James L. xxx-xx-xxxx
Walsh, Owen J. xxx-xx-xxxx
Warner, Virgil L., Jr. xxx-xx-xxxx
Wary, William D. xxx-xx-xxxx
Weaver, Lamar, Jr. xxx-xx-xxxx
Wesson, Thomas E. xxx-xx-xxxx
West, Richard L. xxx-xx-xxxx
Wheatley, Melford M. xxx-xx-xxxx
White, Clifford M. J. xxx-xx-xxxx
White, James T., Jr. xxx-xx-xxxx
Wichlep, Bernard, Jr. xxx-xx-xxxx
Wier, William B. Jr. xxx-xx-xxxx
Williams, David H. J. xxx-xx-xxxx
Williams, Jay B. xxx-xx-xxxx
Williams, Lawrence, xxx-xx-xxxx
Williams, Richard C. xxx-xx-xxxx
Winstead, Richard S. xxx-xx-xxxx
Wittwer, Wallace K. xxx-xx-xxxx
Wolaver, Harold D. xxx-xx-xxxx
Wolfe, William R. Jr. xxx-xx-xxxx
Wood, William C. Jr. xxx-xx-xxxx
Worley, Marvin L. Jr. xxx-xx-xxxx
Worthington, Fayett xxx-xx-xxxx
Wright, Amos L. xxx-xx-xxxx
Yowell, Robert C. xxx-xx-xxxx
Zanin, John B. xxx-xx-xxxx
Zeidner, Robert F. xxx-xx-xxxx
Zook, William E. xxx-xx-xxxx

CHAPLAIN

To be colonel

Gefell, Gerard J. xxx-xx-xxxx
Gefell, Joseph G. xxx-xx-xxxx
Helt, James W. xxx-xx-xxxx
Hope, Holland, xxx-xx-xxxx
Hyatt, Gerhardt W. xxx-xx-xxxx
Kapusta, Emil F. xxx-xx-xxxx
Lawson, Harold B. xxx-xx-xxxx
Lindsey, Chester R. xxx-xx-xxxx
McLeod, Walter G. xxx-xx-xxxx
Messing, Joseph B. xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Carlson, Lane, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Arney, Glen K. xxx-xx-xxxx
Barquist, Richard F. xxx-xx-xxxx
Berrey, Bedford H. xxx-xx-xxxx
Blemly, Nelson R. xxx-xx-xxxx
Brune, Warren H. xxx-xx-xxxx
Canham, John E. xxx-xx-xxxx
Clearkin, Kevin P. xxx-xx-xxxx
Deutsch, David L. xxx-xx-xxxx
Giffin, Robert B., Jr. xxx-xx-xxxx
Hackett Louis, J., Jr. xxx-xx-xxxx
Hansen, Herman R. xxx-xx-xxxx
Hansen, James E. xxx-xx-xxxx
Harman, Louis E., Jr. xxx-xx-xxxx
Hawkins, Joseph A. xxx-xx-xxxx
Highsmith, Roy A. xxx-xx-xxxx
Irvin, Robert W., Jr. xxx-xx-xxxx
Johnson, Arnold W. J. xxx-xx-xxxx
Keim, Robert R., Jr. xxx-xx-xxxx
Kempe, Ludwig G. xxx-xx-xxxx
Lopez, Cesar A., xxx-xx-xxxx
McCabe, Marshall E., xxx-xx-xxxx
Mott, Loran E. xxx-xx-xxxx
Quinn, Robert H. xxx-xx-xxxx
Raymond, Bruce A. xxx-xx-xxxx
Reisner, John E. xxx-xx-xxxx
Rodriguez, Samuel, xxx-xx-xxxx
Rose, Lawrence R., xxx-xx-xxxx
Roth, Joel L., xxx-xx-xxxx
Santos, George C. xxx-xx-xxxx
Sholk, Alvin, xxx-xx-xxxx
Singer, Ralph C., xxx-xx-xxxx
Stratton, Albert W. xxx-xx-xxxx
Thomas, Merle Dean xxx-xx-xxxx
Throne, Elias M. xxx-xx-xxxx
Turan, Ekrem S. xxx-xx-xxxx
Wells, Charles H., xxx-xx-xxxx
Woodard, George S. J., xxx-xx-xxxx

DENTAL CORPS

To be Colonel

Amaral, William J., xxx-xx-xxxx
Bell, Wilfred B., xxx-xx-xxxx
Benson, Walter E. xxx-xx-xxxx
Brown, Walter Z., xxx-xx-xxxx
Campagna, Sebastian xxx-xx-xxxx
Christopher, Andrew xxx-xx-xxxx
Clark, Raymond C. xxx-xx-xxxx
De Young, Millard E., xxx-xx-xxxx
Doane, Richard A., xxx-xx-xxxx
Foxx, Fred F., xxx-xx-xxxx
Gowan, Paul M., xxx-xx-xxxx
Helig, Frederick A., xxx-xx-xxxx
Howard, Richard L., xxx-xx-xxxx
Hughes, Kenneth W. xxx-xx-xxxx
Kruszewski, Edward, xxx-xx-xxxx
Lancaster, Wallace, xxx-xx-xxxx
Marlette, Robert H. xxx-xx-xxxx
Meikle, Wendell A., xxx-xx-xxxx
Parker, James F. xxx-xx-xxxx
Sauser, Clare W., xxx-xx-xxxx
Wakeham, Richard D. xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Beuschel, Lorenz L. xxx-xx-xxxx
Bridenstine, Willia, xxx-xx-xxxx
Brooks, William G., xxx-xx-xxxx
Castleberry, Merida, xxx-xx-xxxx
Elia, Charles V. L., xxx-xx-xxxx
Greiner, Robert B. xxx-xx-xxxx
Ott, Bruce S., xxx-xx-xxxx
Prather, Elwin R. xxx-xx-xxxx
Ritter, George E., xxx-xx-xxxx
Vacura, Gordon W., xxx-xx-xxxx
Young, James B., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Adams, Raymond E., xxx-xx-xxxx
Akers, Stephen E., xxx-xx-xxxx
Beakes, Francis C., xxx-xx-xxxx
Cevey, Paul E., xxx-xx-xxxx
Gilliam, Robert N. xxx-xx-xxxx
Holtwick, Philip B., xxx-xx-xxxx
Lapiana, Joseph A. xxxx
Northing, John W., Jr. xxx-xx-xxxx
Ostrom, Thomas R., xxx-xx-xxxx
Shepard, Leonard G., xxx-xx-xxxx
Tsakonas, Charles T. xxx-xx-xxxx
Weatherall, Richard xxx-xx-xxxx
Williams, John O. xxx-xx-xxxx
Winkler, Harry T., xxx-xx-xxxx

ARMY NURSE CORPS

To be Colonel

Allen, Mayna, R., xxx-xx-xxxx
Bailey, Margaret E., xxx-xx-xxxx
Bender, Alice J., xxx-xx-xxxx
Bitter, Louise F. xxx-xx-xxxx
Browning, Ann C., xxx-xx-xxxx
Cleveland, Rita A., xxx-xx-xxxx
Crowley, Julia G., xxx-xx-xxxx
Earle, Barbara E., xxx-xx-xxxx
Fowler, Mary M., xxx-xx-xxxx
Freese, Thelma U., xxx-xx-xxxx
Fusselman, Gladys L. xxx-xx-xxxx
Geis, Rita M., xxx-xx-xxxx
Hawkins, Dale A., xxx-xx-xxxx
Jarma, Luciana xxx-xx-xxxx
Maher, Margaret L., xxx-xx-xxxx
Mahn, Gertrude I. xxx-xx-xxxx
McNeil, Esther J., xxx-xx-xxxx
Metzger, Alice M., xxx-xx-xxxx
Murphy, Patricia T. xxx-xx-xxxx
Osterman, Lydia D. xxx-xx-xxxx
Paulson, Isabel S., xxx-xx-xxxx
Rose, Anne, xxx-xx-xxxx
Sodt, Marjorie E., xxx-xx-xxxx
Stafford, Margaret, xxx-xx-xxxx
Stevens, Marilynn C. xxx-xx-xxxx
Waterhouse, Marian, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Brice, Virginia N., xxx-xx-xxxx
Evans, Nannie R., xxx-xx-xxxx
Kemske, Dorothy L., xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Benton, William B., Jr., xxx-xx-xxxx
French, Forrest J. xxx-xx-xxxx
Mial, Robert P., xxx-xx-xxxx
Proscott, Donald P., Jr. xxx-xx-xxxx
Saffold, Albert T., xxx-xx-xxxx
Shipman, Wayne T., xxx-xx-xxxx
Watson, Dwane C., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be major

Dohnal, June P., xxx-xx-xxxx

DENTAL CORPS

To be major

Plank, Harold E., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Wood, Theodore D., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Wells, Lyndoll L., xxx-xx-xxxx

To be captain

Brown, James R., xxx-xx-xxxx
Carothers, Joe D., xxx-xx-xxxx
Cole, Robert A., xxx-xx-xxxx
Erkins, Moses, xxx-xx-xxxx
Gaskins, Philip W., xxx-xx-xxxx
Ingalsbe, Duane G., xxx-xx-xxxx
Kent, Charles E., xxx-xx-xxxx
McFeely, George D., xxx-xx-xxxx
Rea, Billy C., xxx-xx-xxxx
Reeves, Jerry F., xxx-xx-xxxx
Stotzinger, John E. xxx-xx-xxxx
Telfair, William D., xxx-xx-xxxx
Thomas, Joseph J. xxx-xx-xxxx

CHAPLAIN

To be captain

McKinney, James H., xxx-xx-xxxx
Nebergall, Allen V., xxx-xx-xxxx
Wolcott, Charles H., xxx-xx-xxxx

MEDICAL CORPS

To be captain

Keeney, Glenward T. [redacted]
Kiley, Richard J. [redacted]

DENTAL CORPS

To be captain

Brown, Alan R., [redacted]

MEDICAL SERVICE CORPS

To be captain

Walsh, James A., [redacted]

ARMY NURSE CORPS

To be captain

Jones, Marsha M., [redacted]

IN THE NAVY

The following named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualication therefor as provided by law:

William K. Adkins
Louis E. Arcuri
James L. Bauman
Michael R. Beard
Lawrence A. Belli
John F. Bender
James S. Brian
David R. Burgess
Craig H. Canaday
Ronald G. Carpenter
Patrick W. Carroll
Rodney L. Casey
John D. Casko
Thomas H. Christensen
Larry R. Christenson
Duane L. Colburn
Richard B. Colquhoun
Charles F. Dameron
Douglas H. Davey
Mark E. Davis
William D. Emery
Robert E. Felle
Chris A. Ferrill
Christopher G. Foe
John L. Geb
Paul L. Grace
Thomas Y. Hall II
Robert L. Harmon
Edwin J. Harris
Jan E. Hart
Jerry J. Heinen
John F. Howard
Walter S. Howdyshell
Robert W. Jackson
Gary L. Johnson
William R. Johnson
Robert J. Joyce
George H. Kain III
James D. Keen
Nicholas W. Kontras
Jack W. Love
John S. Luzier
Joseph H. Magruder, Jr.
David P. Maguire
John F. Mahan
William T. Manierre
Michael A. Marini
Rex C. McCoy
William J. McEntee
Joseph G. Miller
Tom E. Mitchell
Steven R. Morgan
George H. Morton
Douglas C. Neilsson
William M. Peterson
James R. Pilcher
Raymond Porzio
Richard E. Prell
Robert D. Rish
William B. Stephens, Jr.
James S. Thompson
Thomas R. Urbanek
John W. Venes, Jr.
George J. Waicker
Thomas M. Walsh
John B. Whitworth III
Charles L. Williams
Roger A. Willis
Kerry A. Young
Peter A. Banta
Walter A. Brzezinski
*William A. Cain
*John B. Carter, Jr.
Robert L. Cotton
John C. Davis
Patrick C. Davis
Harry E. Deitch, Jr.
Paul DeWitt
*Thomas C. Dozier, Jr.
Lance D. Ehmcke
Joseph W. Gavin
Richard J. Gray
Charles T. Hagan, III
Stephen L. Heller
Anthony A. Horvath
John G. Hughes
*John F. Jacobson
Robert A. James
Jonathan L. Kaplan
Robert W. Kopprasch
Brian J. Lampert
Steven W. McNeeley
William J. McSorley
John A. MacEvoy
John B. Miller
Ian J. Molineaux
*George E. Moore
*Steven Muhlhauser
Mark R. Noble
Kenneth L. Olson
Craig E. Pairan
James R. Rinker
Donald J. Robertson
Henry M. Rowett
Roy C. Siple
Leonard D. Sprinkles
William B. Stevens
Charles G. Stroud
Herbert D. Teel, Jr.
Paul H. Vogel
Robert A. Walsh, II
Bruce H. Winston

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefore as provided by law:

Patrick J. Haney

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Edward L. Ashwood
Robert P. Caudill, Jr.
Frank E. Ehrlich
Douglas W. Peterson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefore as provided by law:

William Andrake
Hugh T. Beatty
Lawrence R. Crane
Bruce G. Edwards
Leslie C. Ellwood
Michael C. Flanagan
Thomas W. Forbes
Richard A. Golden
Mark N. Goldschmidt
Michael J. Gregson
Robert F. Hall, II
Jon R. Hammersberg
David J. Harter
Clarence M. Harris III
Richard E. Harris
Cecil J. Hash, Jr.
Robert M. Hassan
Michael L. Hawkins
Phillip D. Hunt
Joseph L. Izzo
Paul M. Jacobsen
Dennis W. Kean
John G. Knepper
Jerry O. Lenington
William R. Lomax
Edgar G. McKee
Patrick T. Malone
Daniel D. Muther
Dale W. Oller
Michael W. Pekas
Stephen E. Pohl
Leonard G. Prutsok
Donald E. Pryor
Dennis A. Rhyne
Charles L. Rice
Donald E. Rodgers
Ralph A. Sawyer
Harvey W. Schefsky
Jerrold H. Seckler
Charles E. Sparks
Charles W. Spenler
Bruce L. Stevens
Steven M. Steinberg
Guillermo A. Vasquez
Arthur F. Wells, Jr.
Paul A. Whitlock, Jr.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

*Martin E. Zadigian

Lt. William W. Miller, MC, U.S. Navy; to be a permanent lieutenant and temporary lieutenant commander in the Medical Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

Lt. Comdr. William M. Asher, MC, U.S. Navy Reserve; to be a permanent lieutenant and temporary lieutenant commander in the Medical Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

The following-named warrant officers to be permanent chief warrant officers W–3 and temporary chief warrant officers W–4 in the classification indicated, subject to the qualification therefor as provided by law:

Boatswain

Ray H. Mullins

Machinist

John Dobranski
Jack M. Howard

Electrican

Joseph H. Williams

Electronics technician

Lloyd L. Malloy, Jr.

Ship repair technician

John D. Jones

Ship's clerk

Julian P. Corvin

Supply clerk

John Mekula

The following-named warrant officers to be permanent chief warrant officers W–2, in the classifications indicated, subject to the qualification therefor as provided by law:

Boatswain

Floyd Akers, Jr.
Reymond E. Alcorn
Ira H. Beaver
Thomas J. Dougherty
Kevin A. Flynn
Gus E. Haynes
Willie Hollins, Jr.
Otto J. Little
Charles I. O'Donald
Paul H. Rizek
Richard Stafford
Earl L. Steger
Jeder P. Waddell

Operations technician

Harold F. Brooks

Explosive ordnance disposal technician

Robert L. Harrison

Aviation ordnance technician

George M. Adams
George B. Anderson, Jr.

Surface ordnance technician

James G. Hambley
Henry C. McElvogue
Thomas L. Ratliff
Louis L. Reid

Ordnance control technician

Ray C. Barrows
Bennie W. Gaddis
Gordon F. Hill

Aviation Maintenance Technician

James D. Black
Ralph E. Drysdale
William J. Gregory
Gilbert W. Howell
Douglas H. Ohlman
Charles F. Ragghianti
Marshall B. Read
John C. Seymour
Gerald C. Slayton
Walter J. Smith

Machinist

Arlen E. Arnold
Anthony J. Aversano
Douglass R. Beebee
William C. Boulay
Roger W. Dionne
William F. Holzendorf
David J. Little
Roland W. Nelson
Gerald N. Nicholson
Ronald R. Perry
Robert G. Petrick
Lawrence F. Wippel

Aviation control technician

Louis E. Scott

Electrician

Robert E. Barhite
Harold L. Drurey
Thomas M. Fitzgerald
Otis K. Franks
John F. Gardiner
Douglas A. Hale
Leon M. McSwain, Jr.
Duane A. Offe

Naval communicator

Charles E. Chenoweth

Aviation boatswain

Robert E. Parsons
Joseph D. Pochkowski

Aviation electronics technician

Arthur E. Carter
Leroy E. Engle
Frank D. Harper
Richard F. Schontag
Robert E. Smith
Dewey H. Walker

Communications technician

Maurice D. Cook
William A. Heidecker
Joseph E. Henry
Arling G. Stout, Jr.

Electronics technician

Ronald N. Bowen
James T. Campbell
Norman L. Carlton
Glenn G. Crouch, Sr.
Neilson E. Eney, Jr.
Caleb R. Fulgham
Harry S. Gault
Phillip E. Miller
Leon T. Piper
Calvin P. Rogers, Jr.
Thomas E. Rogers

Ship repair technician

Augustine G. Carella
Paul A. Evans
Walter R. Lowe
William R. Robbins

Ship's clerk

Francis E. Barnett
Gerald D. Bitzel
Leonard H. Brown, Jr.
Jimmy Clark
Robert L. Davis
Andres Duran, Jr.
Charles F. Bayres
William R. Floyd
Charles J. Germany
Millard C. Hardin
Frederick W. Jacobi
James Jones
Sammy C. Nixon
Herman W. Schmidt, Jr.
Robert L. Sharp
Willard R. Skelley, Jr.
Rufus W. Webb
Robert W. Wells

Supply clerk

William R. Barger
Daryll K. Bourret
Donald A. Digiovanni
John R. Ford
William K. Hathaway
William B. Keith
Wilfred J. Preti
Rosendo T. Santonil
Charles T. Scaringella
Claude T. Tucker, Jr.

Aerographer

Joe E. McKinzie

Photographer

Kenneth R. Kimball
Donald F. Sheehan

Civil Engineer Corps

Jerry G. Havner
Cecil W. Lovette, Jr.

Warrant Officer Edward G. Torres to be a permanent chief warrant officer W–3 in the Navy in the classification of electrician, subject to the qualification therefor as provided by law.

Warrant Officer Charles L. Boland, Jr., to be a permanent chief warrant officer W–4 in the Navy in the classification of supply clerk, subject to the qualification therefor as provided by law.

The following-named (Naval Enlisted Scientific Education Program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Michael P. Bahnmiller Terrel D. Buck
Orville K. Brown, Jr. Michael W. Dent
Charles J. Bruerton Alan P. Derry
James R. Dunlap George E. Meacham
Morris E. Elsen Charles G. Morgan
Clifford A. Froelich James D. Palmer
John W. Gebhart John W. Pounds, Jr.
William C. Griggs Ronald W. Robillard
Oran L. Houck Allen R. Shuff
Joseph A. Hughes Kenneth M. St. Clair, Jr.
Paul B. Jacovelli
David H. Kellner Gerard R. Steiner
Marlene Marlitt Harold B. St. Peter
*Michael T. Marsh Ronald J. Uzenoff
John A. Mattox Jerry E. Walton
Joseph E. McClanahan Ervin B. Whitt, Jr.
James W. McHale William J. York
Charles A. McPherron John A. Zetes

*John A. Balikowski (civilian college graduate) to be a permanent Lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1970:

* Ad Interim appointment issued.

AMBASSADORS

Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Keith E. Adamson, to be a Foreign Service information officer of class 1, and ending Harvey M. Wandler, to be a Foreign Service information officer of class 6, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 1970; and

The nominations beginning Harry G. Barnes, Jr., to be a Foreign Service officer of class 1, and ending J. Guy Gwynne, to be a Foreign Service officer of class 6 and a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 1970.

EXTENSIONS OF REMARKS

BLIND STUDENTS AT THE UNIVERSITY OF TEXAS IN AUSTIN

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, February 16, 1970

Mr. YARBOROUGH. Mr. President, it is always good to see, in a fast moving society such as ours, that we can still find time to assist those less fortunate than we, and in so doing, help society in general. I was very pleased, therefore, when I read in the January–February 1970 issue of Rehabilitation Record, a publication of the U.S. Department of Health, Education, and Welfare, an article about a real success story at the University of Texas in Austin.

In 1965 there were only six blind students at the university. As a result of a special project, in which the Texas Commission for the Blind and the university are cooperating, there are now 59 visually disabled students in the university. The event that gave impetus to this project was, much to the credit of my State legislature, the enactment of a State law exempting the blind from payment of tuition and fees required at State-supported institutions of higher learning.

Space for project activities was made available by the university administration. Two student groups provide such volunteer services as reading and transportation. And the student government provides funds for the purchase of additional equipment and supplies needed for the project.

The basic premise of the project is to free the blind from continued assistance from social and rehabilitation agencies; that is, to give them the independence and pride that comes from earning one's way in society.

Mr. President, I was so impressed with this project, that I ask unanimous consent that the article entitled "Blind Students," written by Mr. Charles W. Hoehne, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLIND STUDENTS AT TEXAS UNIVERSITY

(By Charles W. Hoehne)

In 1965 there were only six blind students on the campus of the University of Texas at Austin. As of September 1969, there were 59 visually disabled students at UT Austin, thanks to a special project in which the Texas Commission for the Blind and the university are cooperating.

The project includes an office on campus for a full-time rehabilitation counselor and secretary, five special reading rooms for blind students, a braille library of basic reference works, taping and duplicating equipment, braillewriters, and related types of equipment available at a central location on the campus.

"The project at UT Austin represents the drawing together and utilization of a variety of resources," according to Burt L. Risley, executive director of our Commission for the Blind. "There has been tremendous support from the University community. Without this support, I doubt that the project would have succeeded."

The event that really triggered this project was the enactment of a State law exempting the Commission's blind clients from payment of tuition and required fees at Texas State-supported institutions of higher learning.

Space for project activities is made available by the University's administration. Two student groups provide such volunteer services as reading, transportation, and assistance with registration. They are Alpha Phi Omega, the men's service organization at the University, and Gamma Delta Epsilon, the women's service organization. Volunteer services also are provided by a number of individuals who are not associated with either of these two organizations. The student government of the University annually makes an appropriation to the Commission for the purchase of additional equipment and supplies needed for the project.

The clients attending UT Austin are preparing for a variety of vocations. Several are presently candidates for doctoral degrees. A blind law student is serving as a law review editor.

"The curriculum at UT Austin is generally recognized as excellent, but rigorous," Risley points out. "While the attrition rate for the student body in general is rather high, the rate of failure among our clients has become exceptionally low. We do not expect that more than two blind students a year will leave UT Austin for academic reasons."

Except for special equipment and facilities required because of visual loss, blind students at the University receive the same treatment as their sighted classmates. "A very deliberate and calculated effort not to 'baby' these blind students is made," according to Charles Raeke, a rehabilitation counselor from the Commission for the Blind who is serving as coordinator of the project.

"This comes as a shock to clients who have been overly protected and pampered at home because of their blindness, but it's a valuable experience for them. They won't be babied when they get out and compete for jobs."

The success of the UT Austin project has caused us to consider establishing similar projects at other State-supported institutions of higher learning. The Commission estimates that a college or university would have to have an enrollment of at least 50 blind students before full-time staff could be justified for a project of this type. Volunteer groups at Texas Technological College at Lubbock presently are cooperating in the establishment of a program for blind students at that institution, and we hope to provide a similar service to the high concentration of college students in the North Texas area.

"The number of blind students enrolled in institutions of higher education is going to continue to rise," Risley said recently. "This is only one facet of the increased sophistication and relevance which agencies for the blind are attempting to give their vocational rehabilitation programs."

"Our project at UT Austin stems from the conviction that one of the purposes of rehabilitation is to help handicapped individuals to get free of the need for continued assistance from agencies providing social or rehabilitation services. If a handi-